

ILLINOIS REGISTER

Rules of Government

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JIM EDGAR
Secretary of State

ILLINOIS REGISTER

Rules of Governmental Agencies

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1991

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991	June 25, 1991	July 2, 1991	28	July 12, 1991
Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991	July 2, 1991	July 9, 1991	29	July 19, 1991
Dec. 31, 1990	Jan. 8, 1991	3	Jan. 18, 1991	July 9, 1991	July 16, 1991	30	July 26, 1991
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Jan. 15, 1991	Jan. 22, 1991	5	Feb. 1, 1991	July 23, 1991	July 30, 1991	32	Aug. 9, 1991
Jan. 22, 1991	Jan. 29, 1991	6	Feb. 8, 1991	July 30, 1991	Aug. 6, 1991	33	Aug. 16, 1991
Jan. 29, 1991	Feb. 5, 1991	7	Feb. 15, 1991	Aug. 6, 1991	Aug. 13, 1991	34	Aug. 23, 1991
Feb. 5, 1991	Feb. 11, 1991	8	Feb. 22, 1991	Aug. 13, 1991	Aug. 20, 1991	35	Aug. 30, 1991
Feb. 11, 1991	Feb. 19, 1991	9	Mar. 1, 1991	Aug. 20, 1991	Aug. 27, 1991	36	Sept. 6, 1991
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Mar. 5, 1991	Mar. 12, 1991	12	Mar. 22, 1991	Sept. 10, 1991	Sept. 17, 1991	39	Sept. 27, 1991
Mar. 12, 1991	Mar. 19, 1991	13	Mar. 29, 1991	Sept. 17, 1991	Sept. 24, 1991	40	Oct. 4, 1991
Mar. 19, 1991	Mar. 26, 1991	14	Apr. 5, 1991	Sept. 24, 1991	Oct. 1, 1991	41	Oct. 11, 1991
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May 7, 1991	May 14, 1991	21	May 24, 1991	Nov. 12, 1991	Nov. 19, 1991	48	Dec. 2, 1991 (Mon.)
May 14, 1991	May 21, 1991	22	May 31, 1991	Nov. 19, 1991	Nov. 26, 1991	49	Dec. 6, 1991
May 21, 1991	May 28, 1991	23	June 7, 1991	Nov. 26, 1991	Dec. 3, 1991	50	Dec. 13, 1991
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June 18, 1991	June 25, 1991	27	July 5, 1991	Dec. 24, 1991	Dec. 31, 1991	2	Jan. 10, 1992

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

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DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

- 2) Code Citation: 89 Ill. Adm. Code 112

- 3) Section Number: 112.9
Proposed Action: Amendment

- 4) Statutory Authority: Sections 11-4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 11-4 and 12-13)

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking ensures that eligible individuals who cooperate with the Department receive all the assistance benefits to which they are entitled. Specifically, this rulemaking eliminates the need for clients to reapply for assistance when their cases are cancelled due to failure to cooperate and avoids the loss of benefits and the inconvenience that a reapplication would entail.

- 6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

- 8) Does this Proposed Amendment contain incorporations by reference? No

- 9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.64	Amendment	December 7, 1990 (14 Ill. Reg. 19568)
112.143	Amendment	October 2, 1990 (14 Ill. Reg. 16768)
112.340	New Section	January 11, 1991 (15 Ill. Reg. 157___)

- 10) Statement of Statewide Policy Objectives This rulemaking has no effect on local governmental units.

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NOTICE OF PROPOSED AMENDMENT

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Bldg. II, 100 South Grand Avenue East, 3rd Flr., Springfield, Illinois 62762 (217)782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

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Section

- 112.1 Description of the Assistance Program
112.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Lack of Parental Support or Care
112.61 Death of a Parent
112.62 Incapacity of a Parent
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Section

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112.71 Individuals Exempt From Project Chance
112.72 Project Chance Participation/Cooperation Requirements
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74 Project Chance Initial Assessment Process/Development of an Employability Plan
112.76 Project Chance Orientation
112.77 Conciliation and Fair Hearings
112.78 Project Chance Components
112.79 Project Chance Sanctions
112.80 Good Cause for Failure to Comply With Project Chance Participation Requirements
112.81 Responsible Relative Eligibility For Project Chance
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Section
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112.84 Work Experience Evaluation Project
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NOTICE OF PROPOSED AMENDMENT

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AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 4-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243,

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NOTICE OF PROPOSED AMENDMENT

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effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982;

amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827 effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1299, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988;

SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 3170, effective January 1, 1990; amended at 14 Ill. Reg. 705, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.9 Client Cooperation

- a) As a condition of eligibility, clients must cooperate:
- 1) in the determination of eligibility;
 - 2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend;
 - 3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date.
- b) Clients are required to avail themselves of all potential resources.
- c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.

d) Reinstatement

- 1) Whenever financial aid is reduced or terminated due to the failure of the client to cooperate with the Department and the client is willing to cooperate with the Department within ten (10) working days after the first day the financial aid would have been available, the financial aid shall be reinstated in full retroactive to the date the change or termination of the grant occurred provided the client is not otherwise ineligible for financial assistance for the period in question.

- 2) Failure to cooperate includes but is not limited to failure to keep an appointment, failure to attend a meeting, failure to produce proof or verification of eligibility or need in response

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Section 112.9 Client Cooperation (Cont'd)

to a Department request to contact it and failure to be available for a home visit.

- 3) The client shall be deemed willing to cooperate with the Department when he/she makes contact with the Department for the purpose of speaking to appropriate staff and indicating willingness to cooperate.
- 4) The client's willingness to cooperate shall be demonstrated by his/her willingness to attend a rescheduled appointment or meeting, producing needed proof or verification, asking for help in obtaining proof or verification or seeking whatever is needed to determine continued eligibility.
- 5) If the client fails to cooperate a second time for the same reason after being reinstated once under this subsection (d), assistance will not be reinstated again until the client actually cooperates. If the client expresses willingness to cooperate within ten (10) working days after the first day the financial aid would have been available, and actually cooperates, the financial aid will be reinstated in full as in subsection (d)(1) above.
- 6) The policy in this subsection (d) does not apply in the case of sanctions imposed due to the failure of a client to participate, as required, in the child support enforcement program (see 89 Ill. Adm. Code 160) or in any educational, training or employment program conducted through the Department.
- de) At screening, applicants shall be informed, in writing, of any information they are to provide at the eligibility interview.
- ef) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the Department will allow ten (10) days for the return of the requested information. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the

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Section 112.9 Client Cooperation (Cont'd)

applicant. The last day of the ten (10) day period shall be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.

fg) At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department shall allow ten (10) days for the return of the requested information or for verification that the third party information has been requested. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period shall be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant shall provide written verification of the request for the third party information. If the applicant does not provide the information or the verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

- 1) Third party information is defined as information which must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party but is treated as if he were the applicant.
- 2) The Department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide such verification.
- 3) If the applicant requests an extension either verbally or in writing in order to obtain third party information and provides written verification of the request for the third party information such as a copy of the request that was sent to the third party, an extension of ninety (90) days from the date of application shall be granted. The first day of the ninety (90) day period is the calendar day following the

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Section 112.9

Client Cooperation (Cont'd)

date of application. The 90th day must be a work day.

- 4) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request the Department will assist in securing evidence to support the client's eligibility for assistance.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: Proposed Action:
113.9 Amendment
- 4) Statutory Authority: Sections 11-4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 11-4 and 12-13)

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking ensures that eligible individuals who cooperate with the Department receive all the assistance benefits to which they are entitled. Specifically, this rulemaking eliminates the need for clients to reapply for assistance when their cases are cancelled due to failure to cooperate and avoids the loss of benefits and the inconvenience that a reapplication would entail.

- 6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date?
Yes ☒ No

- 8) Does this Proposed Amendment contain incorporations by reference? No

- 9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

113.141

Amendment

December 7, 1990

(14 Ill. Reg. 19581)

- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff

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Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Bldg. II, 100 South Grand Avenue East, 3rd. Flr., Springfield, Illinois 62762 (217)782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program
113.1	Incorporation By Reference
113.5	

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.9	Client Cooperation
113.10	Citizenship
113.20	Residence
113.30	Age
113.40	Blind
113.50	Disabled
113.60	Living Arrangement
113.70	Institutional Status
113.80	Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.100	Unearned Income
113.101	Budgeting Unearned Income
113.102	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103	Initial Receipt of Unearned Income
113.104	Termination of Unearned Income
113.105	Unearned Income In-Kind
113.106	Earmarked Income
113.107	Lump Sum Payments and Income Tax Refunds
113.108	Protected Income
113.109	Earned Income
113.110	Budgeting Earned Income
113.111	Protected Income
113.112	Earned Income
113.113	Budgeting Earned Income
113.114	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115	Initial Employment
113.116	Budgeting Earned Income For Contractual Employees

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Section 113.117	Budgeting Earned Income For Non-contractual School Employees
113.118	Termination of Employment
113.120	Exempt Earned Income
113.125	Recognized Employment Expenses
113.130	Income From Work/Study/Training Programs
113.131	Earned Income From Self-Employment
113.132	Earned Income From Roomer and Boarder
113.133	Earned Income From Rental Property
113.134	Earned Income In-Kind
113.139	Payments from the Illinois Department of Children and Family Services
113.140	Assets
113.141	Exempt Assets
113.142	Asset Disregard
113.143	Deferral of Consideration of Assets
113.154	Property Transfers For Applications Filed Prior To October 1, 1989
113.155	Property Transfers For Applications Filed On Or After October 1, 1989
113.156	Court Ordered Child Support Payments of Parent/Step-Parent
113.157	Sponsors of Aliens
113.160	Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section 113.245	Payment Levels for AABD
113.246	Personal Allowance
113.247	Personal Allowance Amounts
113.248	Shelter
113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care Rates

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Section 113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
SUBPART E: OTHER PROVISIONS	
Section 113.300	Persons Who May Be Included In the Assistance Unit
113.301	Grandfathered Cases
113.302	Interim Assistance
113.303	Special Needs Authorizations
113.304	Retrospective Budgeting
113.305	Budgeting Schedule
113.306	Purchase and Repair of Household Furniture
113.307	Property Repairs and Maintenance
113.308	Excess Shelter Allowance
113.320	Redetermination of Eligibility
113.500	Attorney's Fees for SSI Appellants

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 415, effective August 18, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 13, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective

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effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; amended at 15 Ill. Reg. 1, effective January 1, 1991; amended at 15 Ill. Reg. 1, effective January 1, 1991.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

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SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 113.9 Client Cooperation

a) As a condition of eligibility, clients must cooperate:

- 1) in the determination of eligibility;
 - 2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend;
 - 3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date.
- b) Clients are required to avail themselves of all potential resources.
- c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.

d) Reinstatement

- 1) Whenever financial aid is reduced or terminated due to the failure of the client to cooperate with the Department and the client is willing to cooperate with the Department within ten (10) working days after the first day the financial aid would have been available, the financial aid shall be reinstated in full retroactive to the date the change or termination of the grant occurred provided the client is not otherwise ineligible for financial assistance for the period in question.

- 2) Failure to cooperate includes but is not limited to failure to keep an appointment, failure to attend a meeting, failure to produce proof or verification of eligibility or need in response to a Department request to contact it and failure to be available for a home visit.

- 3) The client shall be deemed willing to cooperate with the Department when he/she makes contact with the Department for the purpose of speaking

DEPARTMENT OF PUBLIC AID

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Section 113.9 Client Cooperation (Cont'd)

to appropriate staff and indicating willingness to cooperate.

- 4) The client's willingness to cooperate shall be demonstrated by his/her willingness to attend a rescheduled appointment or meeting, producing needed proof or verification, asking for help in obtaining proof or verification or seeking whatever is needed to determine continued eligibility.

- 5) If the client fails to cooperate a second time for the same reason after being reinstated once under this subsection (d), assistance will not be reinstated again until the client actually cooperates. If the client expresses willingness to cooperate within ten (10) working days after the first day the financial aid would have been available, and actually cooperates, the financial aid will be reinstated in full as in subsection (d)(1) above.

- de) At screening, applicants shall be informed, in writing of any information they are to provide at the eligibility interview.

- ef) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the Department will allow ten (10) days for the return of the requested information. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period shall be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.

- fg) At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department shall allow ten (10) days for the return of the requested information or for verification that the third party information has been requested. The first day of the ten (10) day period is the calendar day

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Section 113.9 Client Cooperation (Cont'd)

following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period shall be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant shall provide written verification of the request for the third party information. If the applicant does not provide the information or the verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

- 1) Third party information is defined as information which must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party but is treated as if he were the applicant.
- 2) The Department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide such verification.
- 3) If the applicant requests an extension either verbally or in writing in order to obtain third party information and provides written verification of the request for the third party information such as a copy of the request that was sent to the third party, an extension of ninety (90) days from the date of application shall be granted. The first day of the ninety (90) day period is the calendar day following the date of application. The 90th day must be a work day.
- 4) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request the Department will assist in securing evidence to support the client's eligibility for assistance.

(Source: Amended at — Ill. Reg. —, effective —)

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1) The Heading of the Part: GENERAL ASSISTANCE

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Number: Proposed Action:

114.9 Amendment

4) Statutory Authority: Sections 11-4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 11-4 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking ensures that eligible individuals who cooperate with the Department receive all the assistance benefits to which they are entitled. Specifically, this rulemaking eliminates the need for clients to reapply for assistance when their cases are cancelled due to failure to cooperate and avoids the loss of benefits and the inconvenience that a reapplication would entail.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

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- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program
114.1	Incorporation By Reference
114.5	

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.9	Client Cooperation
114.10	Citizenship
114.20	Residence
114.30	Age
114.40	Relationship
114.50	Living Arrangement
114.52	Social Security Numbers
114.60	Work Registration Requirements
114.61	Individuals Exempt From Work Registration Requirements
114.62	Job Service Registration
114.63	Failure to Maintain Current Job Service Registration
114.64	Responsibility to Seek Employment
114.70	Initial Employment Expenses
114.80	Work and Training Programs
114.85	Downstate General Assistance - Food Stamps
114.90	Employment and Training Pilot Project
114.100	Project Chance Participation/Cooperation Requirements (Renumbered)
	General Assistance Jobs Program (Repealed)

SUBPART C: PROJECT ADVANCE

Section	
114.108	Project Advance
114.109	Project Advance Participation Requirements of Adjudicated Fathers
114.110	Project Advance Cooperation Requirements of Adjudicated Fathers
114.111	Project Advance Sanctions
114.113	Project Advance Good Cause for Failure to Comply
114.115	Individuals Exempt From Project Advance
114.117	Project Advance Supportive Services

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Section
114.120

Employment, Training, Rehabilitation, and Advocacy for General Assistance Programs Administered by the Illinois Department of Public Aid

Section

Recognized Employment Expenses
Income From Work/Study/Training Program (Repealed)
Earned Income From Self-Employment
Earned Income From Roomer and Boarder
Earned Income From Rental Property
Earned Income In-Kind
Payments from the Illinois Department of Children and Family Services

Section
114.121

Persons Required to Participate in Employment and Training

Section

Budgeting Earned Income For Contractual Employees
Budgeting Earned Income For Non-contractual School Employees

114.122

Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act

Section

Assets
Exempt Assets
Asset Disregards
Deferral of Consideration of Assets (Repealed)
Property Transfers
Supplemental Payments

114.123

Persons in Need of Work Rehabilitative Services (WRS) to Become Employable

Section

Exempt Assets
Asset Disregards
Deferral of Consideration of Assets (Repealed)
Property Transfers
Supplemental Payments

114.124

Employment and Training Participation/Cooperation Requirements

Section

Exempt Assets
Asset Disregards
Deferral of Consideration of Assets (Repealed)
Property Transfers
Supplemental Payments

114.125

Employment and Training Program Orientation

Section

Exempt Assets
Asset Disregards
Deferral of Consideration of Assets (Repealed)
Property Transfers
Supplemental Payments

114.126

Employment and Training Program Full Assessment Process/Development of an Employment Plan

Section

Exempt Assets
Asset Disregards
Deferral of Consideration of Assets (Repealed)
Property Transfers
Supplemental Payments

114.127

Employment and Training Sanctions

Section

Exempt Assets
Asset Disregards
Deferral of Consideration of Assets (Repealed)
Property Transfers
Supplemental Payments

114.128

Good Cause For Failure to Cooperate With Work and Training Participation Requirements

Section

Exempt Assets
Asset Disregards
Deferral of Consideration of Assets (Repealed)
Property Transfers
Supplemental Payments

114.129

Employment and Training Supportive Services

Section

Exempt Assets
Asset Disregards
Deferral of Consideration of Assets (Repealed)
Property Transfers
Supplemental Payments

114.130

Employment Child Care (Repealed)

Section

Exempt Assets
Asset Disregards
Deferral of Consideration of Assets (Repealed)
Property Transfers
Supplemental Payments

114.140

Employment Child Care (Repealed)

Section

Exempt Assets
Asset Disregards
Deferral of Consideration of Assets (Repealed)
Property Transfers
Supplemental Payments

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

SUBPART F: PAYMENT AMOUNTS

SUBPART G: OTHER PROVISIONS

Section
114.200

Unearned Income

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
Special Needs Authorizations
Institutional Status
Retrospective Budgeting
Budgeting Schedule
Redetermination of Eligibility
Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

114.201

Budgeting Unearned Income

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
Special Needs Authorizations
Institutional Status
Retrospective Budgeting
Budgeting Schedule
Redetermination of Eligibility
Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

114.202

Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
Special Needs Authorizations
Institutional Status
Retrospective Budgeting
Budgeting Schedule
Redetermination of Eligibility
Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

114.203

Initial Receipt of Unearned Income

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
Special Needs Authorizations
Institutional Status
Retrospective Budgeting
Budgeting Schedule
Redetermination of Eligibility
Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

114.204

Termination of Unearned Income

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
Special Needs Authorizations
Institutional Status
Retrospective Budgeting
Budgeting Schedule
Redetermination of Eligibility
Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

114.210

Exempt Unearned Income

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
Special Needs Authorizations
Institutional Status
Retrospective Budgeting
Budgeting Schedule
Redetermination of Eligibility
Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

114.220

Education Benefits

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
Special Needs Authorizations
Institutional Status
Retrospective Budgeting
Budgeting Schedule
Redetermination of Eligibility
Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

114.221

Unearned Income In-Kind

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
Special Needs Authorizations
Institutional Status
Retrospective Budgeting
Budgeting Schedule
Redetermination of Eligibility
Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

114.222

Earmarked Income

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
Special Needs Authorizations
Institutional Status
Retrospective Budgeting
Budgeting Schedule
Redetermination of Eligibility
Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

114.223

Lump Sum Payments

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
Special Needs Authorizations
Institutional Status
Retrospective Budgeting
Budgeting Schedule
Redetermination of Eligibility
Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

114.224

Protected Income

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
Special Needs Authorizations
Institutional Status
Retrospective Budgeting
Budgeting Schedule
Redetermination of Eligibility
Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

114.225

Earned Income

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
Special Needs Authorizations
Institutional Status
Retrospective Budgeting
Budgeting Schedule
Redetermination of Eligibility
Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

114.226

Budgeting Earned Income

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
Special Needs Authorizations
Institutional Status
Retrospective Budgeting
Budgeting Schedule
Redetermination of Eligibility
Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

114.227

Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
Special Needs Authorizations
Institutional Status
Retrospective Budgeting
Budgeting Schedule
Redetermination of Eligibility
Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

114.228

Initial Employment

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
Special Needs Authorizations
Institutional Status
Retrospective Budgeting
Budgeting Schedule
Redetermination of Eligibility
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114.229

Termination of Employment

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
Special Needs Authorizations
Institutional Status
Retrospective Budgeting
Budgeting Schedule
Redetermination of Eligibility
Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

114.230

Exempt Earned Income

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
Special Needs Authorizations
Institutional Status
Retrospective Budgeting
Budgeting Schedule
Redetermination of Eligibility
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SUBPART H: CHILD CARE

Section

Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
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Persons Who May Be Included In the Assistance Unit
Eligibility of Strikers
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Section

Persons Who May Be Included In the Assistance Unit
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Persons Who May Be Included In the Assistance Unit
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NOTICE OF PROPOSED AMENDMENT

Section
114.462 Additional Service to Secure or Maintain Child Care Arrangements
114.464 Rates of Payment for Child Care
114.466 Method of Providing Child Care

SUBPART I: TRANSITIONAL CHILD CARE

Section
114.500 Transitional Child Care Eligibility
114.504 Duration of Eligibility for Transitional Child Care
114.506 Loss of Eligibility for Transitional Child Care
114.508 Qualified Provider
114.510 Notification of Available Services
114.512 Participant Rights and Responsibilities
114.514 Child Care Overpayments and Recoveries
114.516 Fees for Service for Transitional Child Care
114.518 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 6-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg.

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37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 1, 1981; January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June

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27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg.

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16169, effective October 2, 1989 for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 114.9 Client Cooperation

- a) As a condition of eligibility, clients must cooperate:
 - 1) in the determination of eligibility;
 - 2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend;
 - 3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date.
- b) Clients are required to avail themselves of all potential resources.
- c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.
- d) Reinstatement
 - 1) Whenever financial aid is reduced or terminated due to the failure of the client to cooperate with the Department and the client is willing to cooperate with the Department within ten (10) working days after the first day the financial aid would have been available, the financial aid shall be reinstated in full retroactive to the

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NOTICE OF PROPOSED AMENDMENT

Section 114.9 Client Cooperation (Cont'd)

date the change or termination of the grant occurred provided the client is not otherwise ineligible for financial assistance for the period in question.

2) Failure to cooperate includes but is not limited to failure to keep an appointment, failure to attend a meeting, failure to produce proof or verification of eligibility or need in response to a Department request to contact it and failure to be available for a home visit.

3) The client shall be deemed willing to cooperate with the Department when he/she makes contact with the Department for the purpose of speaking to appropriate staff and indicating willingness to cooperate.

4) The client's willingness to cooperate shall be demonstrated by his/her willingness to attend a rescheduled appointment or meeting, producing needed proof or verification, agreeing to attempt to obtain needed proof or verification, asking for help in obtaining proof or verification or seeking whatever is needed to determine continued eligibility.

5) If the client fails to cooperate a second time for the same reason after being reinstated once under this subsection (d), assistance will not be reinstated again until the client actually cooperates. If the client expresses willingness to cooperate within ten (10) working days after the first day the financial aid should have been available, and actually cooperates, the financial aid will be reinstated in full as in subsection (d)(1) above.

6) The policy in this subsection (d) does not apply in the case of sanctions imposed due to the failure of the client to participate, as required, in the child support enforcement program (see 89 Ill. Adm. Code 160) or in any educational, training or employment program conducted through the Department.

d)e) At screening, applicants shall be informed, in

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Section 114.9 Client Cooperation (Cont'd)

writing, of any information they are to provide at the eligibility interview.

e)f) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the Department will allow ten (10) days for the return of the requested information. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period shall be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.

f)g) At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department shall allow ten (10) days for the return of the requested information or for verification that the third party information has been requested. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period shall be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant shall provide written verification of the request for the third party information. If the applicant does not provide the information or the verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

1) Third party information is defined as information which must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party but is treated as if he were the applicant.

2) The Department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide such verification.

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NOTICE OF PROPOSED AMENDMENT

Section 114.9

Client Cooperation (Cont'd)

- 3) If the applicant requests an extension either verbally or in writing in order to obtain third party information and provides written verification of the request for the third party information such as a copy of the request that was sent to the third party, an extension of ninety (90) days from the date of application shall be granted. The first day of the ninety (90) day period is the calendar day following the date of application. The 90th day must be a work day.
- 4) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request the Department will assist in securing evidence to support the client's eligibility for assistance.

(Source: Amended at — Ill. Reg. —, effective —)

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NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: MEDICAL PAYMENT

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Number: Proposed Action:

140.413 Amendment

4) Statutory Authority: Sections 5-5.1 et seq. and 12-11 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-11)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides for payment to providers for mammograms.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

140.17 Amendment November 30, 1990
(14 Ill. Reg. 18982)

140.71 Amendment December 21, 1990
(14 Ill. Reg. 20170)

140.457 Amendment December 21, 1990
914 Ill. Reg. 20170)

140.458 Amendment December 21, 1990
(14 Ill. Reg. 20170)

140.459 Amendment December 21, 1990
(14 Ill. Reg. 20170)

140.490 Amendment December 7, 1990
(14 Ill. Reg. 19132)

Section Numbers	Proposed Action	Illinois Register Citation
140.523	Amendment	September 14, 1990 (14 Ill. Reg. 14681)
140.850	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.855	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.860	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.865	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.870	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.875	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.880	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.885	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.890	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.895	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.Table K	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.Table L	New Section	December 14, 1990 (14 Ill. Reg. 19592)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Dan Leikvold, Office

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NOTICE OF PROPOSED AMENDMENT

of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 27, 1990
- B) Types of small businesses affected: Medical Providers
- C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required.
- D) Types of professional skills necessary for compliance: No new skills required.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment which appears in this issue of the Register on page 592.

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1) The Heading of the Part: RIGHTS AND RESPONSIBILITIES

9) Are there any other Proposed Amendments pending on this Part? No

2) Code Citation: 89 Ill. Adm. Code 102

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

3) Section Numbers:

102.70
102.81

Proposed Action:
Amendment
Amendment

4) Statutory Authority: Sections 11-4, 11-8, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 11-4, 11-8 and 12-13)

5) A Complete Description of the Subjects and Issues

Involved: As the result of the settlement of Malone v. Kustra, (No. 89 C 7492, U.S. District Court for the Northern District of Illinois, Eastern Division) the Department is changing its policies regarding the time period in which a Public Aid client can appeal a notice of reduction or termination of benefits and have the benefits continued unchanged pending a hearing decision on the appeal. Under the former policy, a client had to appeal within 10 days from the date of the notice to have benefits continued unchanged while the appeal was pending. Under the new policy, a client is entitled to unchanged benefits during the appeal process if the appeal is filed on or before the date the reduction or termination will occur. For grant and food stamp cases, the date a reduction or discontinuance will occur is the scheduled mailing date for the affected benefits. For medical assistance only cases, the date is the first day of the calendar month in which the medical assistance is affected, or the next work day if the first calendar day is a Saturday, Sunday or holiday.

Additionally, this proposed rulemaking clarifies notice and appeal provisions in circumstances such as monthly reporting and initiation of a protective payment plan that are outside the scope of Malone. The proposed rulemaking also corrects notice of decision time frames for Special and Emergency Assistance requests made by active AFDC cases.

6) Will these Proposed Amendments replace an Emergency Amendment currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

8) Does this Proposed Amendment contain incorporations by reference? No

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begins on the next page.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Myron Brigman, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 102

RIGHTS AND RESPONSIBILITIES

Section

102.1 Incorporation By Reference
102.10 Rights of Clients
102.20 Nondiscrimination
102.25 Grievance Rights of Clients
102.30 Confidentiality of Case Information
102.35 Case Records
102.40 Freedom of Choice
102.40 Reporting Change of Circumstances
102.50 Referral Requirements
102.60 Reporting Child Abuse/Neglect
102.63 Suitability of Home
102.66 Notice to Client
102.70 Right to Appeal
102.80 Continuation of Assistance Pending Appeal
102.81 Time Limit for Filing an Appeal
102.82 Examining Department Records
102.83 Child Care
102.84 Voluntary Repayment of Assistance
102.90 Excess Assistance (Recodified)
102.100 Recoupment of Overpayments (Recodified)
102.110 Correction of Underpayments
102.120 Recovery of Assistance
102.200 Estate Claims
102.210 Real Property Liens
102.220 Filing and Renewal of Liens
102.230 Foreclosure of Liens
102.240 Release of Liens
102.250 Personal Injury Claims
102.260 Convictions of Fraud - Eligibility
102.270 Single Conviction of Fraud - Administrative Review Board
102.280

AUTHORITY: Implementing Article XI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 11-1 et seq. and 12-13)

SOURCE: Filed and effective December 31, 1977; peremptory rule at 2 Ill. Reg. 52, p. 449, effective December 13, 1978; amended at 2 Ill. Reg. 52, p. 462, December 23, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 39, effective March 1, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979;

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amended at 3 Ill. Reg. 43, p. 196, effective October 15, 1979; amended at 5 Ill. Reg. 8035, effective July 27, 1981; amended at 5 Ill. Reg. 10775, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 7 Ill. Reg. 8350, effective July 1, 1983; amended at 8 Ill. Reg. 18910, effective September 26, 1984; amended at 9 Ill. Reg. 327, effective December 31, 1984; amended at 9 Ill. Reg. 3730, effective March 13, 1985; amended at 9 Ill. Reg. 6812, effective April 26, 1985; amended at 9 Ill. Reg. 7162, effective May 1, 1985; amended at 9 Ill. Reg. 13091, effective August 16, 1985; amended at 9 Ill. Reg. 14704, effective September 13, 1985; amended at 9 Ill. Reg. 15912, effective October 4, 1985; amended at 10 Ill. Reg. 3981, effective February 22, 1986; amended at 10 Ill. Reg. 14795, effective August 29, 1986; amended at 10 Ill. Reg. 19088, effective October 24, 1986; Sections 102.100 and 102.110 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 14067, effective August 10, 1987; amended at 11 Ill. Reg. 18239, effective October 30, 1987; amended at 12 Ill. Reg. 3735, effective February 5, 1988; amended at 13 Ill. Reg. 3940, effective March 10, 1989; amended at 14 Ill. Reg. 13279, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 20078, effective December 3, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

Section 102.70 Notice to Client

- a) Every applicant for assistance shall be sent or given a written notice of disposition of the application.
- b) Every recipient for assistance shall be sent or given a written notice whenever assistance is reduced or discontinued.
- c) Notices denying, reducing, or discontinuing assistance shall contain the following information:
 - 1) A clear statement of the action being taken.
 - 2) A clear statement of the reason for the action.
 - 3) A reference to the statute, rule, or policy provision under the authority of which the action is taken.

NOTICE OF PROPOSED AMENDMENTS

Section 102.70 Notice to Client (Cont'd.)

- 4) A complete statement of the client's right to appeal (see subsection (d) below and Sections 102.80 thru 102.82).

d) Timely Notice

- 1) All notices concerning local office reduction or discontinuance of assistance shall be "timely" except notices to cases in monthly reporting when the adverse action is due to information received on the monthly report or due to failure to submit a complete monthly report. A "timely" notice they shall be mailed or given at least ten (10) calendar days prior to the date the reduction or discontinuance will occur, and shall inform the client that if the client files an appeal within ten (10) calendar days of the date of the notice by the date the reduction or discontinuance will occur, his or her assistance will be continued at its previous level, pending the results of the appeal unless the client specifically requests that the assistance benefits not be continued. The notice shall be dated with the date it is mailed or given. (Day one of the ten (10) day period is the day following the date on the notice.)--The date on a notice is the same date the notice is mailed. Day ten may be no later than the date the reduction or discontinuance will occur.)

- 2) Notices sent concerning reduction or discontinuance of assistance by agency action initiated centrally and notices to cases in monthly reporting when the action is due to information received on the monthly report or due to failure to submit a complete monthly report may be either "timely" or "adequate", as defined by federal regulation. When timely notice is not required and an adequate notice is sent less than ten (10) days before the date of change, the client may receive continued benefits if the appeal is filed within 10 days of the date of notice. (See 89 Ill. Adm. Code 112.302.)

- e) Aid to Families With Dependent Children

NOTICE OF PROPOSED AMENDMENTS

Section 102.70 Notice to Client (Cont'd.)

- 1) Every recipient who makes a written request for a grant increase or a special authorization shall be sent or given written notice of the disposition of the request within 45 days of the date of the request.
- 2) Every recipient who makes a request for Special Assistance (89 Ill. Adm. Code 116.500), Emergency Assistance (89 Ill. Adm. Code 116.510) or Hardship Assistance (89 Ill. Adm. Code 116.520) shall be sent or given a written notice of the disposition of the request within 45 working days of the date of the request.

- 3) Every recipient who makes a request for Emergency Assistance (89 Ill. Adm. Code 116.510) shall be sent or given written notice of the disposition within one working day of the date of the request.

- 4) Every recipient who makes a request for Hardship Assistance (89 Ill. Adm. Code 116.520) shall be sent or given written notice of the disposition of the request within 45 days of the date of the request.

- f) Approval of General Assistance as a result of cancellation of AFDC or AABD or reduction of AFDC (Applicable Only in City of Chicago)

- 1) A notice of intended cancellation or reduction of benefits is sent to an AFDC or AABD recipient, in the City of Chicago, whose assistance is discontinued or a person deleted from the assistance unit (AFDC only) for one of the following reasons:

A) AABD

no longer blind, disabled.

B) AFDC

- i) no longer an eligible child in the home,
ii) no longer incapacitated,

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Section 102.70

Notice to Client (Cont'd.)

- iii) absent parent returned home,
- iv) no longer an unemployed parent,
- v) stepparent's liability sufficient to meet need,
- vi) stepparent failed to verify income, or
- vii) parent participating in a strike.

2) If a recipient from one of the programs listed in subsection (f)(1) applies for General Assistance (GA) within thirty (30) days of the notice of cancellation or reduction of benefits and if that recipient is determined to be eligible for GA such benefits shall be authorized with no gap in assistance (see also 89 Ill. Adm. Code 110.30).

g) Food Stamp households shall be notified

- 1) If there is no change in benefits following submission of a change report form.
- 2) If food stamp benefits are being reduced or discontinued, the following additional information shall be included on the notice:
 - A) the telephone number of the local Public Aid office;
 - B) a statement indicating the household's liability for benefits received while waiting for a fair hearing decision, if the decision is adverse to the household; and
 - C) a statement indicating the general availability of outside individuals or organizations providing free legal representation and the telephone number of those individuals or organizations.

3) A notice of approval shall be sent to eligible households by the 30th day following the date of application. If the household is found not eligible to participate, the notice of denial

Section 102.70

Notice to Client (Cont'd.)

shall be sent by the 30th day following the date of application.

- 4) If the local office cannot act on an application by the 30th day because the case file is incomplete due to a household's delay, a notice of denial shall be sent on the 30th day. However, the household has an additional thirty days to complete the application. If the delay is caused by the local office, a notice of pending status shall be sent to the household by the 30th day.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 102.81

Continuation of Assistance Pending Appeal

- a) If an appeal is initiated by the date a reduction or discontinuance will occur or within ten (10) calendar days of the date of the adequate timely notice, assistance shall be continued at the level in effect prior to the proposed action, pending the results of the fair hearing process, unless the individual specifically requests that his/her assistance benefits not be continued. If the date the reduction or discontinuance will occur or the 10th calendar day is a Saturday, Sunday or a holiday, the client has until the end of the next work day to file his/her appeal.

- b) If a food stamp household files an appeal as the result of normal expiration of the certification period, or as a result of action taken on the initial or subsequent application, benefits shall not be continued at the previous level.

- c) If a food stamp household timely appeals a suspension from program participation for failure to file a Monthly Report by the date the suspended benefits would have been issued or within ten (10) days from the date of notice of adverse action, whichever is later. (See 89 Ill. Adm. Code 121.91(i)) and the household admits that it did not submit the Monthly Report, the household is not entitled to continuation of benefits.

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Section 102.81 Continuation of Assistance Pending Appeal
(Cont'd.)

- d) If an individual appeals the Department's decision to initiate a protective payment plan by the date initiation of the plan will occur within ten (10) calendar days of the date of the timely notice, the protective payment plan shall not be initiated pending the results of the fair hearing process.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Testing of Breath, Blood and Urine for Alcohol and/or Other Drugs

2) Code Citation:

77 Ill. Adm. Code 510

3) Section Numbers:

510.10
510.60
510.110
510.120
510.130

Proposed Action:

Amendments
Amendments
Amendments
Amendments

4) Statutory Authority:

The Illinois Vehicle Code
Ill. Rev. Stat. 1989, ch. 95 1/2, par. 11-501.2 et seq.

5) A Complete Description of the Subjects and Issues Involved:

In Section 510.10, correction to the statutory authority is made. In Section 510.60, the % sign is deleted in order to remain consistent with the rulemaking that takes effect January 1, 1991, wherein all % signs were deleted. In Section 510.110, a correction was made for the spelling of venipuncture; also in Section 510.110, reference to subsection (c)(3) is being deleted, since there is no such subsection. In Section 510.120, correction is being made to typographical errors, listing the section as 510.120. Lastly and most important, in Section 510.130, the alcohol level is incorrectly stated as 0.99, instead of .099.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes X No

7) Does this Rulemaking contain an Automatic Repeal Date? Yes No X

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes No X

If "yes," please specify type: 6.02(a) or 6.02(b)

9) Are there any other Proposed Amendments Pending on this Part?

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Yes ☐ No ☒
If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
-----------------	-----------------	--------------------

10) Statement of Statewide Policy Objectives:

These amendments will not create or expand a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

December 31, 1990

B) Type of Small Businesses Affected:

None.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

None.

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The full text of the Proposed Amendments appears on the next page.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER F: EMERGENCY SERVICES AND HIGHWAY SAFETY

TESTING OF BREATH, BLOOD AND URINE FOR ALCOHOL AND/OR OTHER DRUGS
 PART 510

- Section
 510.10 Authority
 510.20 Definitions
 510.30 Construction of Rules
 510.40 Instruments for Analyzing the Alcohol Content of Blood By Breath
 510.50 Assaying of Ampoule Solutions (Repeated)
 510.60 Standards for the Operation of Approval Breath Analysis Instruments
 510.70 Licensing of Operator
 510.80 Requirements for Renewal of License
 510.90 Revocation and Denial of License
 510.100 Examining and Certifying Instruments
 510.110 Standards and Procedures for Withdrawal of Blood and/or Urine
 510.120 Samples for Chemical Analysis of Alcohol or other Drug Content
 510.130 Approval of Laboratories and Laboratory Technicians
 Preliminary Breath Screening Test Units (PBT's)

AUTHORITY: Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code (11. Rev. Stat. 1989, ch. 95 1/2, par. 11-501.2) et seq.

SOURCE: Filed September 18, 1972; new rules adopted at 5 Ill. Reg. 14152, effective January 1, 1982; rules repealed at 6 Ill. Reg. 365, effective January 1, 1982; amended at 7 Ill. Reg. 1917, effective January 28, 1983; codified at 8 Ill. Reg. 14271; amended at 9 Ill. Reg. 9154, effective June 3, 1985; amended at 12 Ill. Reg. 20211, effective December 1, 1988; amended at 14 Ill. Reg. 19052, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 612, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 510.10 Authority

This Part is promulgated by the Department of Public Health, State of Illinois, in consultation with the Department of Law Enforcement under authority prescribed in Section 11-501.2 et seq., Illinois Vehicle Code, (11. Rev. Stat. 1989, ch. 95 1/2, par. 11-501.2. et seq.)

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 510.60 Standards for the Operation of Approved Breath Analysis Instruments

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Procedures for breath alcohol analysis shall include the following requirements in conjunction with the testing of each subject:

- a) Continuous observation of the subject for at least twenty (20) minutes prior to collection of the breath specimen, during which period the subject must not have ingested alcohol, food, drink, regurgitated, vomited or smoked.
- b) A breath test shall consist of only one (1) breath analysis.
- c) Before a breath analysis, a room air analysis must be conducted, the results of which must be less than 0.01% reading.
- d) Each test shall be performed according to an operational procedure approved by the Department which shall be based upon the manufacturer's recommended testing procedure.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 510.110 Standards and Procedures for Withdrawal of Blood and/or Urine Samples for Chemical Analysis of Alcohol or other Drug Content

- a) Blood Collection. When a person is arrested and the arresting officer requests a blood test to determine the amount of alcohol or other drugs present, the blood sample shall be collected according to the following procedure(s)

- 1) Blood sample shall be collected in the presence of the arresting officer or other representative of the arresting officer's agency who can authenticate the sample.
- 2) The blood sample shall be collected per venipuncture by a physician licensed to practice medicine, by a registered nurse or by a trained phlebotomist acting under the direction of a licensed physician.
- 3) Disinfectant. A disinfectant containing no alcohol or other volatile organic substance shall be used to clean the skin where a specimen is to be collected.
- 4) Equipment for Collection of Blood Samples.
 - A) Sterile, dry hypodermic needles and syringes or vacuum type blood collecting containers shall be used. Reusable equipment, if used, shall not be cleaned or kept in alcohol or other volatile organic solvent.
 - B) When hypodermic needles and syringes are used, the sample

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obtained shall be dispensed in approximately equal volumes, directly into two (2) clean, dry containers. Alcohol or other volatile organic solvent shall not be used to clean the container. The blood shall be mixed with an anticoagulant/preservative which will not interfere with the intended analytical method. The containers shall be closed with inert stoppers.

- C) When vacuum type blood collecting containers are to be used as primary collecting tubes, two (2) tubes should be collected each containing an anticoagulant/preservative which will not interfere with the intended analytical method.

D)

- i) The individual containers shall be appropriately and securely labeled to provide the following information:

Name of accused;

Date and time of collection;

Collecting attendant;

Authorizing officer's signature and agency identification; and type of anticoagulant/preservative.

- ii) The identity and integrity of the sample shall be maintained through collection to analysis and reporting.

- E) The blood samples shall be delivered directly to a laboratory certified by the Department. (See Section 510.120)

- F) The testing laboratory shall utilize one container for the appropriate analysis; the second container shall be retained by that laboratory for a period of at least one (1) year if sufficient sample is submitted.

- G) When drugs other than alcohol are suspected, a urine specimen of approximately 30 ml should accompany the blood sample, but shall not be submitted in lieu of the blood sample. The urine sample shall be collected from the accused's first voiding of the bladder in a manner to preserve the dignity of the individual and the integrity

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of the sample and in accordance with subsection (c)(1) and (3).

- b) Blood and urine samples shall be tested to determine the concentration of alcohol and/or other drugs present by a laboratory method acceptable in a court of law.

- c) Urine collection.

- 1) A urine sample should be considered only when other methods to determine equivalent alcohol concentration in the blood are not practicable, due to the condition of the individual. A specimen of urine, when collected, shall be collected in a manner to preserve the dignity of the individual and to insure the integrity of the sample. When a person is arrested and the arresting officer requests a urine test, the urine sample should be collected according to the following procedures:

- A) Urine samples shall be collected in the presence of the arresting officer or a representative of the arresting officer's agency who can authenticate the sample. The officer or representative shall be of the same sex as the subject undergoing testing.

- B) The accused shall empty his/her bladder and the urine be discarded. One half hour later the accused shall again be requested to void the bladder and the specimen shall be collected in clean, dry container and dispensed in approximately equal volumes directly into two (2) containers. No preservative shall be used. The containers shall be closed with inert stoppers.

- C) Each of the individual containers shall be appropriately and securely labeled to provide the following information:

i) Name of accused

ii) Date and time of collection

iii) Collecting attendant

iv) Authorizing officer's signature and agency identification

- 2) The identity and integrity of the samples shall be maintained through collection to analysis and reporting.

- A) The urine samples shall be delivered directly to a

DEPARTMENT OF PUBLIC HEALTH

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laboratory certified by the Department. (See Section 510.120)

- B) The testing laboratory shall utilize one container for the appropriate analysis; the second container shall be retained by that laboratory for a period of at least one (1) year if sufficient sample is submitted.

- d) Reporting of Results. The original report of the analysis shall be returned to the submitting agency only. A duplicate copy of the report of the analysis shall be retained in the testing laboratory for a period of at least two (2) years. All laboratories shall submit to the Department of Public Health all analyses results of blood and/or urine of drug content, age of individual, without identifying the individual. The results of these analyses will be kept by the Department and used only for statistical purposes. Results are to be submitted to the Illinois Department of Public Health, Division of Alcohol and Substance Testing, 535 West Jefferson, Springfield, Illinois 62761.

- e) When the Accused requests an additional chemical analysis, THE PERSON TESTED MAY HAVE A PHYSICIAN, OR A QUALIFIED TECHNICIAN, CHEMIST, REGISTERED NURSE, OR OTHER QUALIFIED PERSON OF THEIR OWN CHOOSING ADMINISTER A CHEMICAL TEST OR TESTS IN ADDITION TO ANY ADMINISTERED AT THE DIRECTION OF A LAW ENFORCEMENT OFFICER. (Section 3 of The Illinois Vehicle Code). The test must be conducted in accordance with procedures in Section 510.110(a) through (c) except those provisions which require the presence and signature of the arresting officer or his/her representative and those provisions in subsection (a) (2).

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 510.120 Approval of Laboratories and Laboratory Technicians

- a) Only laboratories certified by the Department and which employ technicians who work under the supervision of a pathologist, toxicologist, or other person who has had at least five years experience in the specialty of analytical chemistry shall be deemed qualified to detect and or quantitate alcohol and/or other drugs in human biologic fluids. The Laboratory Director shall be responsible for the accuracy of all laboratory testing performed in his laboratory.
- b) Prior to laboratory certification, and annually thereafter, the Department shall request the demonstration of proficiency in the performance of the tests by the laboratory through the satisfactory examination of specimens submitted by the Department for this

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purpose or by participation in a program or programs of proficiency testing conducted by an agency or agencies approved by the Department.

- c) An applicant for certification under this rule shall furnish evidence of competent supervision by a person who meets the qualifications set forth in Section 5120.120 (a).
- d) Upon evidence that a laboratory has complied with Section 510.120 (a) (b) and (c), a letter of certification listing those technicians authorized to perform appropriate tests, shall be issued, and such certification shall be valid for twelve months from the date of issuance by the Department. It may be renewed from year to year upon submission by the holder of the certification of evidence that he continues to perform laboratory analyses for alcohol and/or other drug content in human biologic fluids under the supervision of a person meeting the qualifications set forth in Section 5120.120(a) and upon the Department's determination that the laboratory is satisfactorily complying with Section 5120.120(b).

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 510.130 Preliminary Breath Screening Test Units (PBT's)

- a) Preliminary breath test units are portable electrically or battery powered units, used to determine if alcohol is present in the tested subject's breath.
- b) Preliminary breath test units offered for sale anywhere within the State to law enforcement agencies must be approved by the Department. No instrument shall be given approval if it demonstrates an error in excess of plus or minus .01. Any instrument which is not approved after initial testing shall be re-tested at the request of the manufacturer.
- c) Preliminary breath test units shall be utilized by law enforcement agencies in accordance with the manufacturer's specifications and operating procedures.
- d) Unit Approval
- 1) Units listed as Pass/Fail will indicate alcohol levels as follows:
- A) Green Indicator Light - A level of .00 to .05,
- B) Amber Indicator Light - A level of .051 to .099,

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- C) Red Indicator Light - A level of .10 or higher.
- 2) Units listed as Digital Read will indicate alcohol levels by numeric indication of two digits (.00) on a visible screen.
- 3) Units listed as Digital Pass/Fail will indicate levels of alcohol impairment by a numeric or letter message on the unit screen for .05 to .10 levels.

e) Units Approved:

- 1) ALCO-CHEK, Models I and II and Model 3000
All Pass/Fail and Digital Read Models
Manufactured by Approved Technology, Inc., P.O. Box 88094,
Grand Rapids, MI 49508.
- 2) ALCO-SENSOR
All Pass/Fail, Digital Read and Digital Pass/Fail Models
Manufactured by Intoximeters, Inc., 1901 Locust St., St.
Louis, MO 63101.
- 3) S-L2 and S-D2 Lion Alcolmeter
All Pass/Fail and Digital Read Models
Manufactured by C.M.I., Inc., 316 East Ninth Street, Owensboro,
KY 42301.
- 4) ALERT Model J-4
All Digital Pass/Fail and Digital Read Models
Manufactured by Alcohol Countermeasures Systems, 924
Military Street, Port Huron, MI 48060.
- 5) GUTH ALCO-TECTOR
Pass/Fail Model Only
Distributed by Guth Laboratories, Inc., 590 N. 67th Street,
Harrisburg, PA 17111.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Health Facilities Planning Procedural Rules

2) Code Citation:

77 Ill. Adm. Code 1130

3) Section Numbers:

Appendix A

Added

4) Statutory Authority:

Illinois Health Facilities Planning Act
Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1151 et seq.

5) A Complete Description of the Subjects and Issues Involved:

Appendix to be added detailing inflation adjustments to review thresholds.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ___ No X

7) Does this Rulemaking contain an Automatic Repeal Date? Yes ___ No X

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ___ No X

If "yes," please specify type: 6.02(a) ___ or 6.02(b) ___

9) Are there any other Proposed Amendments Pending on this Part?

Yes ___ No X

If Yes:

Section Numbers

Proposed Action

Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

The statute requires an annual inflation adjustment to review

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
PLANNING BOARD

SUBPART A: AUTHORITY, PURPOSE AND DEFINITIONS

1130. 120
1130. 130
1130. 140
1130. 150

1130.210
1130.220

- Transactions Subject to Review

Transactions Which Are Exempt from Review

- | Section | |
|------------|--|
| 111130.510 | Requirements for Exemptions Involving the Acquisition of Major Medical Equipment |
| 111130.520 | Requirements for Exemptions Involving the Change In Ownership of a Health Care Facility Other Than a Health Maintenance Organization |
| 111130.530 | Requirements for Exemptions Involving Health Maintenance Organizations |
| 111130.540 | Requirements for Exemptions Involving Involuntary Discontinuation |
| 111130.550 | Agency Processing of an Application for Exemption |
| 111130.560 | State Board Action |
| 111130.570 | Validity of an Exemption |

Agency Processing of an Application for Exemption
State Board Action
Validity of an Exemption

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: PROCEDURAL REQUIREMENTS FOR THE REVIEW AND PROCESSING OF APPLICATIONS FOR PERMIT

Section	Duration of the Review Period and Time Frames
1130.610	Consultation, Classification and Completeness Review
1130.620	Agency Actions During the Review Period
1130.630	Extension of the Review Period Prior to Initial State Board Action
1130.640	Modification of an Application
1130.650	Approval of an Application
1130.660	Notice of Intent-to-Deny an Application
1130.670	Denial of an Application
1130.680	

SUBPART G: PERMIT VALIDITY, REPORTING REQUIREMENTS AND REVOCATION

Section	Validity of Permits
1130.710	Authorization to Obligate and Obligation
1130.720	Extension of the Obligation Period
1130.730	Renewal of a Permit
1130.740	Alteration of a Project for Which a Permit Has Been Issued
1130.750	Annual Progress Reports
1130.760	Project Completion, Final Realized Costs and Cost Overruns
1130.770	Revocation of a Permit
1130.780	

SUBPART H: DECLARATORY RULINGS

Declaratory Rulings

1130. Appendix A Annual Inflation Adjustments to Review Thresholds

NOTE: Capitalization denotes statutory language.

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1151 et seq.).

SOURCE: Adopted at 14 Ill. Reg. 7183, effective May 1, 1990; amended at 15 Ill. Reg. _____, effective _____.

Section 1130. Appendix A Annual Inflation Adjustments To Review Thresholds

1. Capital Expenditures (Other than Major Medical Equipment):

Baseline	Inflation Factor	Revised Review Threshold	Effective Date of Revision
\$2,000,000	1.035	\$2,070,000	=

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

\$2,070,000	1.025	\$2,121,750	Effective Date of Rule
\$2,121,750	1.017	\$2,157,820	October 1, 1991

2. Major Medical Equipment:

Baseline	Inflation Factor	Revised Review Threshold	Effective Date of Revision
\$1,000,000	1.028	\$1,028,000	=
\$1,028,000	1.049	\$1,078,372	Effective Date of Rule
\$1,078,372	1.037	\$1,118,272	October 1, 1991

3. Calculation of Inflation Factors:

Inflation factors, for capital equipment projects represent the percentage increase or decrease in the related health care costs from July 1st of the preceding calendar year to July 1st of the year for which the adjustment is to be made. The capital threshold is adjusted utilizing the annualized data from the report year as compared to the preceding year. A growth in costs of five percent during this twelve-month period would result in an inflation factor of 1.05.

4. Source of Data:

The capital expenditure threshold adjustment for all items other than major medical equipment is taken from the Hospitals component of Square Footage, Cubic Feet and Percent of Total Costs (Item 460) from "Building Construction Cost Data 1990, 48th Annual Edition."

* The baseline threshold amounts have been adjusted for inflation for the period of 1988 to 1989. The calculated adjustment shown reflects the 1989 to 1990 time period.

(Source: Added at 15 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

1) Heading of the Part: Riverboat Gambling

2) Code Citation: 86 Ill. Adm. Code 3000

3) Section Numbers:

3000.100 New Section
3000.110 New Section
3000.120 New Section
3000.130 New Section
3000.140 New Section
3000.150 New Section
3000.160 New Section
3000.170 New Section
3000.200 New Section
3000.210 New Section
3000.220 New Section
3000.230 New Section
3000.240 New Section
3000.250 New Section
3000.260 New Section
3000.400 New Section
3000.410 New Section
3000.500 New Section

Proposed Action:

4) Statutory Authority: P.A. 86-1029, as amended by P.A. 86-1389.

5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements the application and licensing aspects of the Riverboat Gambling Act. General provisions covering definitions, violation of rules, the place to submit materials, the duty to disclose changes in information, and other matters are included. Specific sections classifying the licenses to be issued and the fees to be paid with respect to applications, licenses, and renewals are included. General application procedures are provided, and specific provisions detailing the procedures for investigating applicants and issuing licenses are included. There are provisions which address the transferability of licenses and the waiver of licensing requirements established by rule. There are provisions which set forth the procedures for hearings requested by applicants and licensees, and which address the transferability of ownership interests in an Owner's License. Two sections are reserved for provisions concerning the suspension and revocation of licenses (3000.270) and the renewal of licenses (3000.280). Subpart C, is

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NOTICE OF PROPOSED RULES

reserved for provisions relating to the exclusion of persons from riverboats and the imposition of civil penalties.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: The rulemaking neither creates nor expands any State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing no later than 45 days after publication of this notice to:

Morton E. Friedman
Administrator
Illinois Gaming Board
P.O. Box 19474
Springfield, IL 62794-9474
Phone: (217) 524-0226

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: 01-03-91

B) Types of small businesses affected: Any small business which operates or supplies a riverboat gaming operation.

C) Reporting, bookkeeping or other procedures required for compliance: General bookkeeping and application filing requirements applicable to applicants for licenses under the Act.

D) Types of professional skills necessary for compliance: Bookkeeping and accounting.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED RULES

TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD
PART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	Definitions
3000.100	Violation of Rules
3000.110	Place to Submit Materials
3000.120	No Opinion or Approval of the Board
3000.130	Applicants' Duty to Disclose Changes in Information
3000.140	Owner's and Supplier's Duty to Investigate Job Applicants
3000.150	Owner's and Supplier's Duty to Report Misconduct
3000.160	Fair Market Value of Contracts
3000.170	

SUBPART B: LICENSES

Section	Classification of Licenses
3000.200	Fees and Bonds
3000.210	Applications
3000.220	Owner's Licenses
3000.230	Supplier's Licenses and Occupation Licenses
3000.240	Transferability of Licenses
3000.250	Waiver of Requirements
3000.260	Reserved
3000.270	Reserved
3000.280	

SUBPART D: HEARINGS

Section	Hearings Requested Upon Issuance of a Notice of Board Action
3000.400	Conduct of Hearings Held Under Section 3000.400
3000.410	

SUBPART E: REGULATION OF OWNERS

Section	Transferability of Ownership Interest
3000.500	

AUTHORITY: Implementing and authorized by The Riverboat Gambling Act, P.A. 86-1029, as amended by P.A. 86-1389.

SOURCE: Adopted at ___ Ill. Reg. ___, effective ____.

SUBPART A: GENERAL PROVISIONS

DEPARTMENT OF REVENUE
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Section 3000.100 Definitions

For purposes of these Rules the following terms shall have the following meanings:

"Act": The Riverboat Gambling Act. (P.A. 86-1029, as amended by P.A. 86-1389)

"Attributed interest": A direct or Indirect interest in a business entity deemed to be held by a person not through the person's actual holdings but through the holdings of the person's spouse, parents, grandparents, children, or grandchildren, whether by whole or half blood, marriage, adoption or natural relationship.

"Board": The Illinois Gaming Board.

"Game": A banking, wagering, gambling or percentage game or activity which is played for money, property, or anything of value, including without limitation those played with cards, chips, tokens, dice, implements, or electronic, electrical, or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any Game.

"Gaming Equipment": A machine, mechanism, device, or implement which effects the result of a Game by determining win or loss, including without limitation electronic, electrical, or mechanical devices or machines, software, cards, or dice, and any representative of value used with any Game, including without limitation chips, tokens, or electronic debit cards and related hardware and software.

"Gaming Operations Manager": A person or business entity who has the ultimate responsibility to manage, direct or administer the conducting of Gaming.

"Indirect interest": An interest in a business entity that is deemed to be held by the holder not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities.

"Key Person": An officer, director, trustee, partner, proprietor, or managing agent of, or a holder of any direct or Indirect legal or beneficial interest whose combined direct, Indirect or Attributed interest is 5% or more in, a business entity.

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"Notice of Board Action": A Notice of Denial, Restriction, Suspension, Revocation, Nonrenewal, or Exclusion issued by the Board.

"Petitioner": An applicant, licensee, or excluded person who requests a hearing upon issuance of a Notice of Board Action.

"Riverboat Gaming Operation": The conducting of Gaming and all related activities, including without limitation the purveying of food, beverages, retail goods and services, and transportation, on a riverboat and at its Support Facilities.

"Sole Proprietor": A person who in his or her own name owns 100% of the assets and who is solely liable for the debts of a business.

"Supplier": A provider of goods or services to a Riverboat Gaming Operation other than a government entity or a licensed accountant, architect, attorney, engineer or physician.

"Support Facility": A place of business which is part of, or operates in connection with, a Riverboat Gaming Operation and is owned in whole or in part by a holder of an Owner's or Supplier's license or any of their Key Persons, including without limitation riverboats, offices, docking facilities, parking facilities, and land-based hotels or restaurants.

Section 3000.110 Violation of Rules

Any violation of a Board rule may result in denial of an application, imposition of penalties, discipline, revocation, suspension, or other action.

Section 3000.120 Place to Submit Materials

Unless otherwise required, all forms, fees, documents, papers, and other materials to be submitted to the Board shall be submitted to the Board's office in Springfield, Illinois.

Section 3000.130 No Opinion or Approval of the Board

Any action of the Board relating to an applicant or a licensee shall not indicate or suggest that the Board has considered or passed in any way on the merits or qualifications of the applicant or licensee, their prospects or Key Persons, their marketability or the marketability of their securities, or any other matter, other than their suitability for licensure under the Act.

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Section 3000.140 Applicants' Duty to Disclose Changes in Information

Applicants for licenses issued by the Board shall have a continuing duty to disclose promptly any changes in the information provided in the application forms and requested materials submitted to the Board. The duty to disclose changes in information shall continue throughout any period of licensure granted by the Board.

Section 3000.150 Owner's and Supplier's Duty to Investigate Job Applicants

The holder of an Owner's or Supplier's license shall investigate the background and qualifications of all applicants for jobs which its employees will perform at a Riverboat Gaming Operation. Licensure by the Board may not be relied on as the sole criterion for hiring a job applicant.

Section 3000.160 Owner's and Supplier's Duty to Report Misconduct

The holder of an Owner's or Supplier's license shall report to the Administrator any violation of law or Board rule or other misconduct committed by its Suppliers or licensed employees, including without limitation the performance of licensed activities different from, or the receipt of income exceeding the amount allowed under, their classification of license. Unless otherwise determined by the Board, all reports required by this rule shall be confidential.

Section 3000.170 Fair Market Value of Contracts

No Board licensee shall enter into a contract relating to its licensed activities for consideration in excess of fair market value.

SUBPART B: LICENSES

Section 3000.200 Classification of Licenses

The Board may classify an activity to be licensed in addition to, different from, or at a different level than the classifications set forth in this Part.

a) Owner's License. An owner of a Riverboat Gaming Operation is required to hold an Owner's License.

b) Supplier's License. A Supplier is required to hold a Supplier's License.

1) Supplier's License, Level 1A.

A) Gaming Operations Manager.

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- B) Supplier of Gaming Equipment, including a manufacturer, distributor, wholesaler, or retailer.
- C) Supplier of Gaming Equipment maintenance or repair services.
- D) Supplier of security services.

2) Supplier's License, Level 1B. A Supplier other than those listed in subsection (b)(1) which receives an aggregate annual amount of \$50,000 or more from Board licensees.

3) Supplier's License, Level 2. A Supplier other than those listed in subsection (b)(1) which receives an aggregate annual amount totalling from \$5,000 to \$50,000 from Board licensees.

c) Occupation License. A person employed at a Riverboat Gaming Operation is required to hold an Occupation License. An Occupation licensee may perform any activity included within the licensee's level of Occupation License or any lower level of Occupation License.

1) Occupation License, Level 1A.

A) Audit Manager.

B) Casino manager.

C) Chief of Security.

D) Controller.

E) EDP Manager.

F) Slot Department Manager.

2) Occupation License, Level 1B. An employee who reports directly to any of the employees listed in subsection (c)(1), and a Gaming or security employee other than those listed in subsection (c)(1) who receives an aggregate annual amount from Board licensees totalling \$25,000 or more.

3) Occupation License, Level 2. A Gaming or security employee not required to hold an Occupation License, Level 1A or Level 1B.

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- 4) Occupation License, Level 3. An employee not required to hold an Occupation License, Level 1A, Level 1B or Level 2.

Secton 3000.210 Fees and Bonds

All fees shall be submitted to the Board in the form of a check or money order made payable to the State of Illinois.

a) Application Fees. The following application fees must be paid upon the submittal of the application to which they relate:

1) Owner's License: \$50,000.

2) Supplier's License, Level 1A applied for by a business entity other than a Sole Proprietor: \$25,000.

3) Supplier's License, Level 1A applied for by a Sole Proprietor or person: \$5,000.

4) Supplier's License, Level 1B applied for by a business entity other than a Sole Proprietor: \$10,000.

5) Supplier's License, Level 1B applied for by a Sole Proprietor or person: \$1,000.

6) Supplier's License, Level 2 applied for by a business entity other than a Sole Proprietor: \$1,000.

7) Supplier's License, Level 2 applied for by a Sole Proprietor or person: \$500.

8) Occupation License, Level 1A: \$5,000.

9) Occupation License, Level 1B: \$1,500.

10) Occupation License, Level 2: \$300.

11) Occupation License, Level 3: \$100.

b) Increased Application Fee. The application fee of an applicant may be increased to the extent that the cost of the investigation relating to the applicant exceeds the applicant's fee amount provided in subsection (a). Unless otherwise determined by the Administrator, no further action shall be taken with respect to the application until payment of the increased fee is received by the Board.

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- c) License Fees. The following license fees are due upon the final finding of the Board that an applicant is suitable for licensing.
- 1) Owner's License: \$35,000. \$25,000 for the first year of licensure, \$5,000 for the 2 subsequent years of licensure.
 - 2) Supplier's License, Level 1A held by a business entity other than a Sole Proprietor: \$5,000.
 - 3) Supplier's License, Level 1A held by a Sole Proprietor or person: \$1,000.
 - 4) Supplier's License, Level 1B held by a business entity other than a Sole Proprietor: \$2,000.
 - 5) Supplier's License, Level 1B held by a Sole Proprietor or person: \$200.
 - 6) Supplier's License, Level 2 held by a business entity other than a Sole Proprietor: \$200.
 - 7) Supplier's License, Level 2 held by a Sole Proprietor or person: \$100.
 - 8) Occupation License, Level 1A: \$1,000.
 - 9) Occupation License, Level 1B: \$200.
 - 10) Occupation License, Level 2: \$100.
 - 11) Occupation License, Level 3: \$50.
- d) Renewal fees. The following license renewal fees are due upon the finding of the Board that a licensee is suitable for renewal.
- 1) Owner's License: \$5,000.
 - 2) Supplier's License, Level 1A held by a business entity other than a Sole Proprietor: \$5,000.
 - 3) Supplier's License, Level 1A held by a Sole Proprietor or person: \$1,000.
 - 4) Supplier's License, Level 1B held by a business entity other than a Sole Proprietor: \$2,000.

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- 5) Supplier's License, Level 1B held by a Sole Proprietor or person: \$200.
 - 6) Supplier's License, Level 2 held by a business entity other than a Sole Proprietor: \$200.
 - 7) Supplier's License, Level 2 held by a Sole Proprietor or person: \$100.
 - 8) Occupation License, Level 1A: \$1,000.
 - 9) Occupation License, Level 1B: \$200.
 - 10) Occupation License, Level 2: \$100.
 - 11) Occupation License, Level 3: \$50.
- e) Owner's Bond
- 1) The form of the Owner's surety bond required under section 10 of the Act must be approved by the Administrator prior to its posting.
 - A) The bond shall state that it is exercisable if the licensee fails to comply with the obligations provided under section 10 of the Act. The bond may provide that the liability of the surety is limited to the extent of the liability of the licensee.
 - B) The bond shall state that in the event it is to be modified or cancelled the surety shall notify the Board in writing at least 30 days prior to the date of such modification or cancellation.
 - C) The bond shall state that it shall run continuously and remain in full force and effect during the period of the licensee's licensure.
 - 2) The bond shall be posted with the Index Division of the Office of the Secretary of State.

Section 3000.220 Applications

- a) Application Forms. Application forms shall be submitted by applicants for the classes of licenses issued by the Board as provided in this Part.

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- 1) Owner's License. Owner's License Application Form and Personal Disclosure Form 1 for each of the applicant's Key Persons.
- 2) Supplier's License, Level 1A and Level 1B. Supplier's License Application Form 1 and Personal Disclosure Form 1 for each of the applicant's Key Persons.
- 3) Supplier's License, Level 2. Supplier's License Application Form 2 and Personal Disclosure Form 2 for each of the applicant's Key Persons.
- 4) Occupation License, Level 1A and Level 1B. Personal Disclosure Form 1.
- 5) Occupation License, Level 2. Personal Disclosure Form 2.
- 6) Occupation License, Level 3. Personal Disclosure Form 3.
- b) Additional or Different Forms or Materials. An applicant may be required to submit forms or materials in addition to, different from, or from persons or business entities in addition to or different from, those listed in subsection (a).

c) Application Procedures

- 1) The burden of showing that an applicant is suitable for licensing is at all times on the applicant.
- 2) An applicant assumes and accepts the risk of any and all adverse publicity, notoriety, or financial loss which may occur in connection with the application process.
- 3) Any misrepresentation or omission made with respect to an application shall be grounds for denial of the application, imposition of penalties, discipline, revocation, suspension, or other action.
- 4) Application forms and requested materials shall be submitted in triplicate. Application forms and requested materials for Owner's and Supplier's Licenses shall be submitted in bound form.
- 5) Applicants for Occupation Licenses shall be photographed and fingerprinted at the time of application at a place designated by the Administrator.

- 6) An application shall be deemed filed when the completed application form, including all required documents and materials, and the application fee have been submitted.
- d) Amendments and Incorporation by Reference
 - 1) An application may be amended only upon leave of the Board.
 - 2) The Board may allow information, documents, or other materials submitted by an applicant to be incorporated by reference into a subsequent application.
- e) Withdrawal of Applications. An application may be withdrawn only upon leave of the Board.
 - 1) The Board may deny leave to withdraw an application if it determines that withdrawal of the application would not be in the best interests of the public and the Gaming industry.
 - 2) If an application is withdrawn, the applicant may not reapply for a license of the same class within 1 year from the date of withdrawal without leave of the Board.

Section 3000.230 Owner's Licenses

- a) Overview of Licensing Procedures. Applications for Owner's Licenses shall be subject to the following procedures prior to licensure:
 - 1) investigation of the applicant and application;
 - 2) preliminary finding of suitability;
 - 3) assessment of the Riverboat Gaming Operation;
 - 4) final practice gaming excursion; and
 - 5) action of the Board.
- b) Investigation of the Applicant and Application. An applicant is responsible for compliance with all requests for information, documents, or other materials relating to the applicant and the applicant's application.

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c) Preliminary Finding of Suitability

- 1) The Administrator shall make a preliminary report to the Board concerning the suitability of an applicant for licensing, including without limitation the character and conduct of the applicant and the applicant's Key Persons, the soundness and suitability of the applicant's business plan, and the suitability of the applicant's home port.
- 2) After receipt of the Administrator's report, the Board shall determine whether to find the applicant preliminarily suitable for licensing.
- 3) If the Board finds the applicant preliminarily suitable for licensing, it shall issue the applicant a preliminary finding of suitability.
- 4) If the Board finds the applicant not preliminarily suitable for licensing, it shall issue the applicant a Notice of Denial.

d) Assessment of the Riverboat Gaming Operation

- 1) After an applicant is found preliminarily suitable for licensing, the applicant's Riverboat Gaming Operation shall be assessed to determine its effectiveness, integrity, and compliance with law and Board standards.
 - A) The matters to be assessed include:
 - i) the Gaming Operations Manager;
 - ii) proposed Gaming operations and use of Gaming Equipment;
 - iii) the riverboat and riverboat operations;
 - iv) handicapped access;
 - v) support Facilities;
 - vi) internal controls and operating procedures;
 - vii) security operations;

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- viii) staffing;
 - ix) casualty and liability insurance;
 - x) affirmative action hiring patterns;
 - xi) the status of the financing commitments proposed in the applicant's application;
 - xii) information received subsequent to the preliminary finding of suitability concerning the applicant and the applicant's key persons; and
 - xiii) such other matters as the Board may require.
- B) The Board may establish a schedule setting a time table for the satisfactory compliance for all operations to be assessed.
- 2) The Administrator shall report to the Board concerning the suitability of the applicant and the applicant's Riverboat Gaming Operation for licensing.
 - 3) After receipt of the Administrator's report, the Board shall determine whether to authorize a final practice gaming excursion.
 - e) Final Practice Gaming Excursion
 - 1) No gaming for money, property, or anything of value may be conducted during a final practice gaming excursion.
 - 2) The Board may authorize the Administrator to conduct a final practice gaming excursion and to issue the applicant a Temporary Owner's Permit if the final practice gaming excursion is successfully completed.
- A) In determining whether a final practice gaming excursion has been successfully completed, the Administrator shall assess, among other matters, the effectiveness, safety and security of the Riverboat Gaming Operation.
 - B) If the Administrator determines that the final practice gaming excursion has not been successfully completed, he shall report to the Board.

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C) If the Administrator determines that the final practice gaming excursion has been successfully completed, he shall:

- i) upon delivery of the applicant's license fee and a file stamped copy of the applicant's \$200,000 bond to the State of Illinois posted with the Secretary of State, issue the applicant a Temporary Owner's Permit; and
- ii) report to the Board.

D) A Temporary Owner's Permit allows the applicant to operate the Riverboat Gaming Operation to which it pertains until it is withdrawn or the Board takes action on the application.

E) A Temporary Owner's Permit may be withdrawn by the Administrator if he determines that the Riverboat Gaming Operation to which it pertains is not suitable for continued operation. If the Administrator withdraws a Temporary Owner's Permit, he shall report to the Board.

f) Action of the Board

1) If the Board finds the applicant suitable for licensing, it shall issue the applicant a license.

2) If the Board finds the applicant not suitable for licensing, it shall:

- A) issue the applicant a Notice of Denial; and
- B) if the applicant has been issued a Temporary Owner's Permit, return the applicant's license fee.

g) Notice of Denial

1) An applicant served with a Notice of Denial may request a hearing in accord with Section 3000.400.

2) If a hearing is not requested, the Notice of Denial becomes the final order of the Board denying the applicant's application.

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Section 3000.240 Supplier's Licenses and Occupation Licenses

a) Overview of Licensing Procedures. Applications for Supplier's Licenses and Occupation Licenses shall be subject to the following procedures prior to licensure:

- 1) issuance of a Temporary Permit;
 - 2) investigation of the applicant and application;
 - 3) finding of suitability; and
 - 4) action of the Board.
- 5) The Board may require an applicant to undergo different or additional licensing procedures.

b) Issuance of a Temporary Permit

1) Except for an applicant for a Supplier's License, Level 1A, upon submittal of an application and the relating application fee the Administrator may issue the applicant a Temporary Permit.

A) If the Administrator does not issue a Temporary Permit, he shall report to the Board.

B) The Administrator shall report to the Board at each of its meetings, or as requested by a Board member, about the issuance and status of Temporary Permits.

2) A Temporary Permit allows the applicant to supply the products or perform the occupation to which it pertains until it is withdrawn, 120 days after the date of its issuance, or the Board takes action on the application, whichever occurs first.

A) A Temporary Permit may be extended by the Administrator for any time past 120 days after the date of issuance which may be required to complete the investigation of the applicant or application.

B) A Temporary Permit shall be withdrawn by the Administrator if he determines that the applicant is not suitable to continue supplying the products or performing the occupation to which it pertains. If the

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Administrator withdraws a Temporary Permit, he shall report to the Board.

- c) Investigation of the Applicant and Application. An applicant is responsible for compliance with all requests for information, documents, or other materials relating to the applicant and the applicant's application.
- d) Finding of Suitability. The Administrator shall report all relevant information produced by his investigation to the Board and shall indicate his opinion as to suitability.
- e) Action of the Board
 - 1) If the Board finds the applicant suitable for licensing, it shall direct the Administrator to issue the applicant a license upon payment of the applicant's license fee, including applicable extra qualification license fees. If the applicant's license fee, including applicable extra qualification license fees, is not received by the Board within 10 business days after the date of mailing notification of the applicant's suitability for licensing to the applicant, the Administrator shall withdraw the applicant's Temporary Permit and report to the Board.
 - 2) If the Board finds the applicant not suitable for licensing, it shall issue the applicant a Notice of Denial.

f) Notice of Denial

- 1) An applicant who is served with a Notice of Denial may request a hearing in accord with Section 3000.400.
- 2) If a hearing is not requested, the Notice of Denial becomes the final order of the Board denying the applicant's license application.
- g) Reapplication for Denied License. If an applicant is denied a license, the applicant may not reapply for a license of the same class within 1 year from the date of denial without leave of the Board.

Section 3000.250 Transferability of Licenses

Licenses issued by the Board and the privileges which they provide may not be transferred by a licensee to another person or entity without leave of the Board.

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Section 3000.260 Waiver of Requirements

The Board may waive any licensing requirement or procedure provided by Board rule if it determines that such waiver is in the best interests of the public and the Gaming industry.

SUBPART D: HEARINGS

Section 3000.400 Hearings Requested Upon Issuance of a Notice of Board Action

- a) Burden and Standard of Proof. The burden of proof is at all times on the Petitioner. The Petitioner must prove his case by clear and convincing evidence.
- b) Requests for Hearings. All requests for hearings must:
 - 1) be in writing;
 - 2) state the name, current address and current telephone number of the Petitioner;
 - 3) state the docket number contained on the Notice of Board Action served on the Petitioner; and
 - 4) state in detail the reasons why and the facts upon which the Petitioner will rely to show that the Notice of Board Action should not have been issued.
- c) A request for hearing must be submitted within five days after service of the Notice of Board Action on the Petitioner.
 - 1) The Petitioner may submit a request for hearing either in person or by certified mail.
 - 2) All requests for hearings must be submitted in duplicate at either of the Board's offices in Springfield or Cook County.
 - 3) A request for hearing submitted by certified mail shall be deemed timely submitted if it is postmarked no later than five days after service of the Notice of Board Action on the Petitioner.
- d) A request for hearing shall be denied if the statement of reasons and facts which it contains does not show a prima facie case that the Notice of Board Action should not have been issued.

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- e) A request for hearing may not be withdrawn or voluntarily dismissed if the Board determines that withdrawal or voluntary dismissal is not in the best interests of the public and the Gaming industry.

f) Time and Place of Hearing

- a) The Petitioner shall be served with written notice of the time and place of the hearing by:

- 1) personal delivery;
- 2) certified mail, postage prepaid; or
- 3) overnight express mail, postage prepaid.

- b) A hearing requested under Section 3000.270 or 3000.280 shall commence within 10 days after the Petitioner's request for hearing is received by the Board.

Section 3000.410 Conduct of Hearings Held Under Section 3000.400

- a) Appointment of Board Member or Administrative Law Judge. The Chairman of the Board may appoint a Board member or an Administrative Law Judge to conduct a Section 3000.400 hearing.

b) Discovery

- 1) The scope of discovery is limited to discovery of the information or materials:

- A) which establish the reasons and facts upon which the Petitioner will rely to show that the Notice of Board Action should not have been issued; and

- B) used to establish the specific reasons the Notice of Board Action was issued.

- 2) Discovery may be obtained only through written interrogatories, requests to produce documents, records or other materials, and depositions. Written interrogatories and requests to produce may be served, and depositions may be taken, only upon verified application to the person or panel conducting the hearing showing:

- A) good cause;

- B) that a reasonable effort has been made to obtain the information or materials sought;
- C) that the information or materials sought are within the scope of obtainable discovery; and
- D) in the case of an application to take a deposition, that the information or materials sought cannot be obtained through written interrogatories or requests to produce.

- c) Subpoenas. Subpoenas for the attendance of witnesses or subpoenas duces tecum for the production of documents, records or other materials may be served only upon verified application to the person or panel conducting the hearing.

- 1) The applicant must show good cause, state the testimony to be elicited from a witness and why the evidence to which the testimony relates cannot otherwise be obtained, and state the reasons why the testimony or materials are necessary and relevant.

- 2) A member of the Board, agent of the Board, or employee of the Board may not be required to appear except under the procedures provided in this section.

- d) Motions to Dismiss, for Summary Judgment, or for Directed Finding

- 1) A Board member or administrative law judge conducting a hearing may recommend a finding of fact or disposition of a matter in controversy upon a motion to dismiss, for summary judgment, or for directed finding.

- 2) If the Board member or administrative law judge makes such a recommendation, he shall limit or terminate the hearing to the extent that he has recommended disposition of matters to be heard.

e) Evidence

- 1) All testimony shall be given under oath or affirmation.

- 2) Copies of the records of the Board maintained in any form which are reproduced in the name of the Board under the certificate of the Chairman of the Board or his designee shall be admitted into evidence without further proof, and shall be

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prima facie proof of the correctness of the information contained therein.

- f) Sanctions and Penalties. The person or panel conducting a hearing may impose sanctions, and may impose penalties pursuant to Board rule, if the person or panel finds that a party has acted in bad faith, for the purpose of delay, or has otherwise abused the hearing process.

- 1) Conduct which warrants sanctions and penalties includes:
 - A) abuse of discovery; and
 - B) refusal to stipulate to a matter which is not fairly in dispute.
- 2) Sanctions which may be imposed include without limitation:
 - A) limitation of discovery; and
 - B) termination of the hearing and, as applicable:
 - i) withdrawal of the Notice of Board Action or dismissal of the request for hearing; or
 - ii) if the hearing is conducted by a Board member or administrative law judge, issuance of a recommendation of withdrawal of the Notice of Board Action or dismissal of the request for hearing.
- g) Transmittal of Record and Recommendation to the Board. Upon conclusion of a hearing conducted by a Board member or an administrative law judge, the person conducting the hearing shall transmit to the Board the record of the hearing and his written recommendations.
- h) Final Order of the Board. Applications or motions for rehearing, a new hearing, or to reconsider shall not be allowed.

SUBPART E: REGULATION OF OWNERS

Section 3000.500 Transferability of Ownership Interest

- a) Ownership Interests are not Transferable. An ownership interest in an Owner's License or in a business entity other than a publicly

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held business entity which holds an Owner's License may not be transferred without leave of the Board.

- b) Ownership Interests may not be Pledged. An ownership interest in an Owner's License or in a business entity other than a publicly held business entity which holds an Owner's License may not be pledged as collateral to other than a regulated bank or savings and loan association without leave of the Board.

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part: Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds

2) Code Citation: 8 Ill. Adm. Code 270

3) Section Number: Adopted Action:
270.261 Amended

4) Statutory Authority: State Fair Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1711.1 and 1712)

5) Effective Date of amendments: January 2, 1991

6) Does this rulemaking contain an automatic repeal date? No

7) Does this proposed amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 21, 1990

9) Notices of Proposal Published in Illinois Register:
July 13, 1990, 14 Ill. Reg. 10965

10) Has JCAR issued a Statement of Objections to these rules?
No

11) Differences between proposal and final version:
Section 270.261(b)--amended by changing "calendar year" to "fiscal year (July 1 through June 30)".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes

13) Will this amendment replace an emergency amendment in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of amendments:

The Board of Directors of the Land of Lincoln Purebred Livestock Breeders requested the Department to adopt policy as to what is a "reasonable period of time". Section 11.1 of the Act permits Land of Lincoln animals out of this State for a reasonable period of time for showing, exhibitions, breeding, reproductive purposes or medical treatment. The board further suggested that a maximum

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of 90 days be considered as a reasonable time period for permitting animals out of state.

The proposed rulemaking will make the out-of-state time period of 90 days per fiscal year uniform for all species qualifying for Land of Lincoln awards at the Illinois State Fair.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Donna Garman
Address: Division of Administrative Services
Illinois Department of Agriculture
State Fairgrounds, Springfield,
Illinois 62794-9281

Telephone: 217/785-0112

The full text of Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER J: FAIRS

PART 270

ILLINOIS STATE FAIR AND DUQUOIN STATE FAIR,
NON-FAIR SPACE RENTAL AND THE GENERAL
OPERATION OF THE STATE FAIRGROUNDS

SUBPART A: DEFINITIONS: POLICY: VIOLATION

Section

270.10 Definitions

270.15 Policy

270.20 Violation of Rules; Administrative Hearings

SUBPART B: CONCESSIONS AND EXHIBITS AT THE STATE FAIR

Section

270.25 Categories of Exhibits

270.30 Privilege to Operate a Concession or Exhibit

270.35 Application for Reassignment of Space

270.40 New Applications for Space Rental

270.45 Substitute Locations or Discontinuance of Contracts

270.50 Reassignment of Space by Department

270.55 Number of Stands Permitted

270.60 Policy Governing Exhibits/Concessions and Approval to Conduct Business

270.65 Policy of Permitting Space Without Monetary Charge

270.70 Exercising Constitutional Freedoms

270.75 Assignment of Contracts

270.80 Inspection of Premises

270.85 Removal or Denial of Acceptance

270.90 Concessions and Exhibits Prohibited

270.95 Liquified Petroleum Gas

270.100 Merchandising Permits

270.105 Measuring Space

270.110 Electricity

270.115 Broadcasting Devices

270.120 Display of Exhibit or Concession Number

270.125 Protection of the Public and Lessee's Property

270.130 Distributing Literature or Display Advertising

270.135 Payment of Space Rental Contract

270.140 Operational Hours

270.145 Sales Prior to the State Fair

270.150 Sales During the State Fair

270.155 Property Shipped to the State Fair

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270.160	Removal of Property
270.165	Gambling, Raffles, Prizes, Games of Chance, Intoxicating Beverages
270.170	Inside Exhibits
270.175	Posting Feed Prices
270.180	Clean-Up
270.185	Public Health
270.190	Food and/or Drink Service Operations
270.195	Release Procedure
270.200	Security
270.205	Liability
270.210	Concessionaire's or Exhibitor's Trailers
270.215	Failure to Abide by Rules or Contract Provisions
270.220	Lessee's General Standard of Conduct

SUBPART C: HORSE RACING AT THE STATE FAIR

Section

270.225 Categories of Horse Racing

270.230 State Fair Colt Stakes Races

270.235 Review Futurity Races

270.240 Illinois Trotting and Pacing Colt Races

270.245 Quarter Horse Races

SUBPART D: PREMIUMS AND RULES GOVERNING EXHIBITS OR EVENTS

Section

270.250 Premiums Offered

270.255 Premium Books

270.260 Payment of Premiums

270.261 Land of Lincoln Breeders Awards for Purebred or Registered Livestock

SUBPART E: JUDGES: STATE FAIR

Section

270.265 Professional and Artistic Contracts

270.270 Judge's Salary

270.275 Selection of Judges

SUBPART F: CERTIFICATES OF AWARD: STATE FAIR

Section

270.280 Certificates, Ribbons and Trophies

SUBPART G: FEES FOR ADMISSION TO THE STATE FAIR

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

Section	
270.285	Daily Admission Charge
270.290	Special Events
270.295	Designated Days
270.300	Gate Admission Charge Waived
270.305	Schedule of Admission Charges and Fees
270.310	Admission of Motor Vehicles
270.315	Employees of Exhibitor/Concessionaire

SUBPART H: TRAFFIC CONTROL, PARKING AND CAMPING: STATE FAIR

Section	
270.320	Camping Location
270.325	Fee for Camping
270.330	Camping Sticker
270.335	Removal of Illegally Parked Vehicles
270.340	Extension Cords
270.345	Traffic Control and Parking; Spraying Livestock Trucks

SUBPART I: MISCELLANEOUS RULES GOVERNING THE OPERATION OF THE STATE FAIR

Section	
270.350	Pets
270.355	Structures of Lessee
270.360	Restrictions
270.365	Intoxicating Beverages
270.370	Grandstand Ticket Refunds

SUBPART J: NON-FAIR SPACE RENTAL:
BASIC RULES APPLICABLE TO ALL RENTALS

Section	
270.375	Non-Fair Availability Dates
270.380	Application for Space
270.385	Reassignment
270.390	Compliance with State Law and Regulations
270.395	Removal Rights or Denial of Acceptance
270.400	Assigned Space
270.405	Inspection
270.410	Payment
270.415	Tickets

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

270.420	Facility Availability
270.425	Parking
270.430	Security
270.435	Fire Regulations
270.440	Tables and Chairs
270.445	Clean Up
270.450	Alterations
270.455	Insurance
270.460	Discrimination
270.465	Camping
270.470	Concessions
270.475	Delinquency
270.480	Gambling, Raffles, Prizes, Games of Chance, Intoxicating Beverages
270.485	Non-Exclusivity
270.490	Lessee's General Standard of Conduct
270.495	Criteria for Grant of Privileges
270.500	Waiver of Applicable Rules (Repealed)
270.505	Rate Schedules
270.510	Limit on Duration of Contract
270.515	Liquified Petroleum Gas

SUBPART K: NON-FAIR CONCESSIONS

Section	
270.520	Renter Rights (Repealed)
270.525	Contract
270.530	Interests of the Public
270.535	Liability
270.540	Health Laws
270.545	Rates
270.550	Inspection
270.555	Payment Due

SUBPART L: CAMPING: NON-FAIR

Section	
270.560	Who May Camp
270.565	Location
270.570	Fee
270.575	Camping Facilities
270.580	Sticker
270.585	Penalty
270.590	Extension Cords

SUBPART M: HOUSE TRAILERS: NON-FAIR

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

Section	Eligibility
270.595	Misconduct
270.600	Liability
270.605	Rent and Rates For Other Services
270.610	Payment Method
270.615	

SUBPART N: HORSE OR CATTLE BARN, STALL AND TACK ROOM
RENTAL: NON-FAIR

Section	Rates
270.620	Rent Payable
270.625	General Stabling Rules: (Non-Contractual Events)
270.630	Reporting
270.635	Lessee Collection of Fees
270.640	Stall Use
270.645	Restriction to Assigned Space
270.650	Trailer Storage
270.655	Inspection
270.660	Restrictions
270.665	Quarantine Provisions
270.670	Dogs
270.675	General Misconduct
270.680	Track Usage
270.685	Restrictions on Barn Use
270.690	

AUTHORITY: Implementing and authorized by the State Fair Act (Ill. Rev. Stat. 1989 485, ch. 127, par. 1701 et seq.); implementing Section 40.14 and authorized by Section 16 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989 485, ch. 127, pars. 16 and 40.14).

SOURCE: Adopted at 4 Ill. Reg. 25, p. 34, effective June 11, 1980; amended at 5 Ill. Reg. 1332, effective January 29, 1981; codified at 5 Ill. Reg. 10532; amended at 6 Ill. Reg. 8958, effective July 9, 1982; amended at 8 Ill. Reg. 6103, effective April 25, 1984; emergency amendments at 10 Ill. Reg. 13370, effective July 28, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 14282, effective August 20, 1986; amended at 10 Ill. Reg. 20468, effective November 26, 1986; amended at 11 Ill. Reg. 2228, effective January 20, 1987; amended at 15 Ill. Reg. 455, effective January 2, 1991.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: PREMIUMS AND RULES GOVERNING EXHIBITS
OR EVENTS

Section 270.261 Land of Lincoln Breeders Awards for Purebred or Registered Livestock

a) In accordance with the provisions of Section 11.1 of the "State Fair Act," the percentage of the appropriation made for the Land of Lincoln Breeders Awards for Purebred or Registered Livestock for each class or show shall be as follows:

1) a) Junior Livestock Show.....	16 2/3%
2) b) Beef Cattle.....	19%
3) c) Dairy Cattle.....	19%
4) d) Swine.....	16 2/3%
5) e) Sheep.....	10 2/3%
6) f) Goats.....	2 3/4%
7) g) Light Horses and Ponies.....	16%
8) h) Heavy Horses.....	1 1/3%

b) THE DEPARTMENT SHALL ESTABLISH AND PROMOTE CONTESTS AND EXHIBITIONS OF VARIOUS CLASSES OF LIVESTOCK TO BE KNOWN AS THE "LAND OF LINCOLN BREEDERS AWARDS FOR PUREBRED OR REGISTERED LIVESTOCK." ONLY ANIMALS BRED, BORN AND MAINTAINED IN ILLINOIS AND OWNED AND EXHIBITED BY ILLINOIS RESIDENTS SHALL BE ELIGIBLE TO PARTICIPATE IN SUCH CONTESTS AND EXHIBITIONS; HOWEVER, SUCH ANIMALS SHALL BE PERMITTED OUT OF THIS STATE FOR A REASONABLE PERIOD OF TIME FOR SHOWINGS, EXHIBITIONS, BREEDING OR REPRODUCTIVE PURPOSES, OR MEDICAL TREATMENT (Section 11.1 of the State Fair Act, Ill. Rev. Stat. 1989, ch. 127, par. 1711.1). For the purposes of determining compliance with this Section, a reasonable period of time for permitting animals to be out of the State for showings, exhibitions, breeding, reproductive purposes or medical treatment shall be a maximum of 90 days during a fiscal year (July 1 through June 30).

(Source: Amended at 15 Ill. Reg. 455, effective January 2, 1991)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Comprehensive Arts Programs
- 2) Code Citation: 23 Ill. Adm. Code 250
- 3) Section Number: 250.70
Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 122, par. 2-3.65
- 5) Effective Date of Amendment: January 7, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Amendment contain incorporations by reference?
The rule does not contain an incorporation by reference under Section 6.02(b) of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: January 4, 1991
- 9) Notice of Proposal Published in Illinois Register:
July 20, 1990, 14 Ill. Reg. 11447
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
No changes were requested by JCAR.
- 13) Will this Amendment replace an emergency Amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Amendment:

The present amendment affects only Section 250.70, Reporting Requirements. The Rules Advisory Committee pointed out that much of the activity conducted with funding through the Comprehensive Arts Program might well occur after March 30 of the program year, the date by which an interim report is due under the current rules. Thus the interim report was not considered very useful, nor did it provide a reliable tool for the Board's staff to use in monitoring program activity. We agreed with the suggestion that this requirement be removed from the rules. Consequently, all of Section 250.70(a) has been deleted, leaving the requirements applicable to a final report in place and relabeling them accordingly.

16) Information and questions regarding this adopted Amendment shall be directed to:

Name: J. Robert Sampson
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-2826

The full text of the Adopted Amendment begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 9: SPECIAL COURSES OF STUDY

PART 250

COMPREHENSIVE ARTS PROGRAMS

Section

- 250.10 Purpose
 250.20 Eligible Applicants
 250.30 Application Procedures and Content
 250.40 Proposal Review and Approval Criteria
 250.50 Allocation of Funds
 250.60 Distribution of Grant Awards
 250.70 Reporting Requirements

AUTHORITY: Implementing and authorized by Section 2-3.65 of The School Code (Ill. Rev. Stat. 1989, ch. 122, par. 2-3.65).

SOURCE: Adopted at 10 Ill. Reg. 12590, effective July 9, 1986; amended at 15 Ill. Reg. 463, effective January 7, 1991.

Section 250.70 Reporting Requirements

a) Grant recipients will annually submit an interim report to the State Board of Education by March 30. That report will describe:

1) objectives completed (e.g., staff has developed a handbook on arts curriculum development); and

2) resources to be utilized and planned strategies for further development of the project (e.g., a planning agenda for arts curriculum development has been established).

b) Grant recipients will annually submit a final report to the State Board of Education by August 15. That report will describe:

a) goal(s) and objectives completed and resources utilized during the grant period;

b) evaluation of the project; and

c) resources to be utilized and planned strategies for the continued development and implementation of a comprehensive arts education instructional program.

(Source: Amended at 15 Ill. Reg. 463, effective January 7, 1991.)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

Intermediate Care for the Developmentally Disabled Facilities Code

2) Code Citation:

77 Ill. Adm. Code 350

3) Section Numbers:

350.330 Amended
 350.680 Amended
 350.1220 Amended
 350.3220 Amended
 350.3240 Amended
 350.3260 Amended
 350.3710 Amended
 350.3720 Amended
 350.3730 Amended
 350.3750 Amended
 350.3770 Amended
 350.3780 Amended
 350.3810 Amended
 350.3880 Amended
 350.3900 Amended
 350.3940 Amended
 350.4010 Amended
 350. Table D Amended
 350. Table E Amended

Adopted Action:4) Statutory Authority:

Nursing Home Care Act
 Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.

5) Effective Date of Rules:

January 1, 1991

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ___ No X

If "yes," please specify type: 6.02(a) ___ or 6.02(b) ___

If "6.02(b)," was a copy of the approval form issued by the Joint

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Committee attached to this rulemaking? Yes ☐ No ☐

8) Date Filed in Agency's Principal Office:

January 1, 1990

9) Date Notice(s) of Proposal was Published in Illinois Register:

June 22, 1990 - 14 Ill. Reg. 9833

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes ☐ No ☒

If "yes," please complete the following:

- A) Statement of Objection: _____, Ill. Reg. _____
- B) Agency Response: _____, Ill. Reg. _____
- C) Date Agency Response Submitted for Approval to the Joint Committee: _____

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 350.3220(f), a new subsection (g) is created beginning with the sentence "EVERY WOMAN RESIDENT..." leaving the first two sentences as subsection (f). A statutory reference to Section 2-104(b) of the Act is inserted at the end of subsection (f). Subsequent subsections are relettered accordingly.
2. A new Section 350.3220(g)(1)(A) is added as follows: "A) Early diagnosis of pregnancy."
3. In Section 350.3220(g), the following is added: "In addition, women residents should be referred immediately for diagnosis whenever pregnancy is suspected."
4. Section 350.3220 (g)(1) is redrafted as follows: " 'Routine obstetrical evaluations' and 'necessary prenatal care' shall include, as a minimum, the following"; subsection (g)(2) is deleted; and subsections (g)(2)(A)-(F) are relettered as (G)-(L).
5. A new Section 350.3220 (g)(3) is added as follows:
 - 3) When a resident is referred for a diagnosis of pregnancy and/or

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

prenatal care, the facility shall send to the provider a copy of the resident's medical record, including a list of prescription medications taken by the resident; use of alcohol, tobacco and illicit drugs; or exposure to radiation or chemicals during the preceding three months.

6. The statutory references are updated to cite the 1989 Illinois Revised Statutes.
7. In the definition of "Administrative Warning" in Section 350.330, the term "level" is changed to "type" to correspond to the statutory definitions and to the definitions in Section 350.330.
8. In Section 350.3220(g)(1)(E), "Viral hepatitis (HGsAg) testing" is added.
9. The Authority Note and Source Note are updated to reflect the adoption of a previous rulemaking, effective October 1, 1990.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

No changes were requested by the Joint Committee.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Joint Committee did not request any changes.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

14) Are there any other Amendments Pending on this Part? Yes ☐ No ☒

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
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15) Summary and Purpose of Rules:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

The following amendments are being adopted by the Department of Public Health to implement legislation passed by the 86th General Assembly amending the Nursing Home Care Act. Related amendments to the rules governing the licensure of skilled nursing and intermediate care facilities (77 Ill. Adm. Code 300), sheltered care facilities (77 Ill. Adm. Code 330), and long-term care facilities for persons under age 22 (77 Ill. Adm. Code 390) are also being adopted.

Definition of facility: The Department is amending the definition of "facility" in Section 350.330 to implement Public Act 86-130, which amends the Nursing Home Care Act to exempt from the definition of "facility" any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well recognized church or religious denomination.

Christian Science facilities: In Section 350.1220, the Department is deleting a provision stating that residents in facilities operated under bona fide Christian Science auspices may be exempt from the requirement that the services of an Illinois Licensed Physician be available to every resident of a facility. Pursuant to Public Act 86-130, such facilities are no longer required to be licensed.

Medical treatment and procedures: Section 350.3220 is being amended in accordance with an amendment to Section 2-104(b) of the Nursing Home Care Act that requires all medical treatment and procedures to be administered as ordered by a physician. All new physician orders are to be reviewed by the facility's director of nursing or charge nurse designee within 24 hours after issuance. In addition, every woman resident of child-bearing age is to receive routine obstetrical and gynecological evaluations and necessary prenatal care. Guidelines of the American College of Obstetricians and Gynecologists are included to define more clearly what constitutes "routine obstetrical and gynecological evaluations and necessary prenatal care." These changes are necessitated by Public Act 86-1013.

Employee or resident as perpetrator of abuse: Also in accordance with Public Act 86-1013, the amendment of Section 350.3240 includes provisions concerning the perpetration of abuse by residents or employees. An employee who is the perpetrator of abuse will immediately be barred from any further contact with residents of the facility, pending the outcome of any further investigation, prosecution or disciplinary action against the employee. The condition of a resident who is the perpetrator of abuse will be evaluated to determine the most suitable therapy and placement for the resident, considering the safety of the resident as well as the safety of other residents and employees of the facility.

Personal needs allowance: The Department is amending Section 300.3260 to implement Public Act 86-486, which requires facilities to take all steps

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

necessary to ensure that a personal needs allowance that is placed in a resident's personal account is used exclusively by the resident or for the benefit of the resident. A definition of the term "personal needs allowance" is also included.

In addition to the amendments implementing recently enacted legislation, the Department is adopting additional amendments to address issues that have risen in administering the rules.

Consultation and Nursing Services: The Department is amending Section 350.3750 to include a provision, inadvertently omitted from a previous rulemaking, stating that the need for training or supervision in self-medication shall not, in and of itself, constitute a need for professional nursing services.

Capacity of intermediate care facilities for the developmentally disabled: The capacity of intermediate care facilities for the developmentally disabled of 15 beds or less (ICF/DD-15) is being increased to 16 in response to a suggestion of the Long-Term Care Facility Advisory Board. Because facilities are usually designed for double room occupancy, allowing an even rather than odd number for resident capacity will maximize the facilities' use of room space.

Competency testing for developmental disabilities aides: Section 350.680 is being amended to eliminate the requirement that developmental disabilities aides pass the Department-approved nursing assistant competency examination. This requirement was inadvertently included in the rules adopted December 1, 1989. The competency examination currently approved by the Department is not applicable to developmental disabilities aides. In addition, completion of a nursing arts course will not be accepted as qualification as a developmental disabilities aide.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350
INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse License Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

350.510 Administrator

SUBPART C: POLICIES

350.610	Management Policies
350.620	Resident Care Policies
350.630	Admission and Discharge Policies
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.685	Student Interns
350.690	Disaster Preparedness
350.700	Serious Incidents and Accidents

SUBPART D: PERSONNEL

350.810	Personnel
350.820	Consultation Services
350.830	Personnel Policies

SUBPART E: RESIDENT LIVING SERVICES

350.1010	Service Programs
350.1020	Psychological Services
350.1030	Social Services
350.1040	Speech Pathology and Audiology Services
350.1050	Recreational and Activities Services
350.1060	Training and Habilitation Services
350.1070	Training and Habilitation Staff

SUBPART F: HEALTH SERVICES

350.1210	Health Services
350.1220	Physician Services
350.1225	Tuberculin Skin Test Procedures
350.1230	Nursing Services
350.1240	Dental Services
350.1250	Physical and Occupational Therapy Services

SUBPART G: MEDICATIONS

350.1410	Medication Policies and Procedures
350.1420	Conformance with Physician's Orders
350.1430	Administration of Medication
350.1440	Labeling and Storage

NOTICE OF ADOPTED AMENDMENTS

350.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

- 350.1610 Resident Record Requirements
- 350.1620 Content of Medical Records
- 350.1630 Confidentiality of Resident's Records
- 350.1640 Records Pertaining to Residents' Property
- 350.1650 Retention and Transfer of Resident Records
- 350.1660 Other Resident Record Requirements
- 350.1670 Staff Responsibility for Medical Records
- 350.1680 Retention of Facility Records
- 350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

- 350.1810 Director of Food Services
- 350.1820 Dietary Staff in Addition to Director of Food Services
- 350.1830 Hygiene of Dietary Staff
- 350.1840 Diet Orders
- 350.1850 Adequacy of Diet and Meal Pattern
- 350.1860 Therapeutic Diets
- 350.1870 Scheduling Meals
- 350.1880 Menu Planning
- 350.1890 Food Preparation and Service
- 350.1900 Food Handling Sanitation
- 350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

- 350.2010 Maintenance
- 350.2020 Housekeeping
- 350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

- 350.2210 Furnishings
- 350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

- 350.2410 Codes
- 350.2420 Water Supply
- 350.2430 Sewage Disposal
- 350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

NOTICE OF ADOPTED AMENDMENTS

- 350.2610 Applicability of Standards
- 350.2620 Codes and Standards
- 350.2630 Preparation of Drawings and Specifications
- 350.2640 Site
- 350.2650 Administration and Public Areas
- 350.2660 Nursing Unit
- 350.2670 Dining, Living, Activities Rooms
- 350.2680 Therapy and Personal Care
- 350.2690 Service Departments
- 350.2700 General Building Requirements
- 350.2710 Structural
- 350.2720 Mechanical Systems
- 350.2730 Plumbing Systems
- 350.2740 Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

- 350.2910 Applicability
- 350.2920 Codes and Standards
- 350.2930 Preparation of Drawings and Specifications
- 350.2940 Site
- 350.2950 Administration and Public Areas
- 350.2960 Nursing Unit
- 350.2970 Living, Dining, Activities Rooms
- 350.2980 Treatment and Personal Care
- 350.2990 Service Departments
- 350.3000 General Building Requirements
- 350.3010 Structural
- 350.3020 Mechanical Systems
- 350.3030 Plumbing Systems
- 350.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

- 350.3210 General
- 350.3220 Medical and Personal Care Program
- 350.3230 Restraints
- 350.3240 Abuse and Neglect
- 350.3250 Communication and Visitation
- 350.3260 Resident's Funds
- 350.3270 Residents' Advisory Council
- 350.3280 Contract With Facility
- 350.3290 Private Right of Action
- 350.3300 Transfer or Discharge
- 350.3310 Complaint Procedures
- 350.3320 Confidentiality
- 350.3330 Facility Implementation

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES
FOR THE DEVELOPMENTALLY DISABLED OF 1615 BEDS OR LESS

3350.3710 Applicability of Other Provisions of this Part

350.3720	Administration
350.3730	Admission and Discharge Policies
350.3740	Personnel
350.3750	Consultation Services and Nursing Services
350.3760	Medication Policies
350.3770	Food Services
350.3780	Codes and Standards
350.3790	Administration and Public Areas
350.3800	Bedrooms
350.3810	Nurses Station
350.3820	Bath and Toilet Rooms
350.3830	Utility Rooms
350.3840	Living, Dining, Activity Rooms
350.3850	Therapy and Personal Care
350.3860	Kitchen
350.3870	Laundry Room
350.3880	General Building Requirements
350.3890	Corridors
350.3900	Special Care Room
350.3910	Exit Facilities and Subdivision of Floor Area
350.3920	Stairways, Vertical Openings and Doorways
350.3930	Hazardous Areas and Combustible Storage
350.3940	Mechanical Systems
350.3950	Heating, Cooling, and Ventilating Systems
350.3960	Plumbing Systems
350.3970	Electrical Systems
350.3980	Fire Alarm and Detection System
350.3990	Emergency Electrical System
350.4000	Fire Protection
350.4010	Construction Types
350.4020	Equivalencies
350.4030	New Construction Requirements

SUBPART 0: DAY CARE PROGRAMS

350.4210 Day Care in Long-Term Care Facilities

APPENDIX A Classification of Distinct Part of a Facility for Different Levels of Service

APPENDIX B Federal Requirements Regarding Residents' Rights

APPENDIX C Seismic Zone Map

APPENDIX D Forms for Day Care in Long-Term Care Facilities

TABLE A Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled

TABLE B
Pressure Relationships and Ventilation Rate of Certain Areas for
the New Intermediate Care Facilities for the Developmentally
Disabled

DISAILED

TABLE C Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled

TABLE D Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled at Sixteen (16) Beds or Less

TABLE E
Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen Fifteen (16) Beds or Less

TABLE F
Disaster Preparedness Parameters - Relative Humidity and Temperature.

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (111. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.).

SOURCE: Emergency rules adopted at 4 111. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 111. Reg. 30, p. 1, effective July 28, 1980; amended at 5 111. Reg. 1657, effective February 4, 1981; amended at 6 111. Reg. 5981, effective May 3, 1982; amended at 6 111. Reg. 6453, effective May 14, 1982; amended at 6 111. Reg. 8198, effective June 29, 1982; amended at 6 111. Reg. 14544, effective November 8, 1982; amended at 6 111. Reg. 14675, effective November 15, 1982; amended at 6 111. Reg. 15556, effective December 15, 1982; amended at 7 111. Reg. 278, effective December 22, 1982; amended at 7 111. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 111. Reg. 7963, effective July 1, 1983; amended at 7 111. Reg. 15817, effective November 15, 1983; amended at 7 111. Reg. 16984, effective December 14, 1983; amended at 8 111. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 111. Reg. 15935, effective August 17, 1984; amended at 8 111. Reg. 16980, effective September 5, 1984; codified at 8 111. Reg. 19806; amended at 8 111. Reg. 24214, effective November 29, 1984; amended at 8 111. Reg. 24680, effective December 7, 1984; amended at 9 111. Reg. 142, effective December 26, 1984; amended at 9 111. Reg. 331, effective December 28, 1984; amended at 9 111. Reg. 2964, effective February 25, 1985; amended at 9 111. Reg. 10876, effective July 1, 1985; amended at 11 111. Reg. 14795, effective October 1, 1987; amended at 11 111. Reg. 16830, effective October 1, 1987; amended at 12 111. Reg. 979, effective December 24, 1987; amended at 12 111. Reg. 16838, effective October 1, 1988; emergency amendment at 12 111. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 111. Reg. 6040, effective April 17, 1989; amended at 13 111. Reg. 19451, effective December 1, 1989; amended at 14 111. Reg. 14876, effective October 1, 1990; amended at 15 111. Reg. 466, effective January 1, 1991.

NOTE: Italics and capitalization denote statutory language.

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Section 350.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 1-103 of the Act)

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (111. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 86-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988).

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at

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the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 350.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type level A or type level B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNER AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

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Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; Mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

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Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 2301 et seq.).

Department - as used in this Part means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disabilities (DD) Aide - any person who provides nursing, personal or habilitative care to residents of Intermediate Care Facilities for the Developmentally Disabled, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to DD aides include, but are not

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limited to, Program Aides, Program Technicians and Habilitation Aides. DD Aides must function under the supervision of a licensed nurse or a Qualified Mental Retardation Professional (QMRP).

Developmental Disability - a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairment or combination of mental and physical impairments;

is manifest before age 22;

is likely to continue indefinitely;

results in substantial functional limitations in three or more of the following areas of major life activities:

self-care;

receptive and expressive language;

learning;

mobility;

self-direction;

capacity for independent living; and

economic self-sufficiency; and

reflects the persons' needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health

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care institution, which included consultation from a dietitian; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE.
(Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY.
(Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of

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consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in these minimum Standards.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO THE COUNTY HOME ACT (111. Rev. Stat. 19897, ch. 34, par. 5361 et seq.), AS NOW OR HEREFTER AMENDED, OR BY A COUNTY PURSUANT TO "AN ACT IN RELATION TO HOMES FOR THE AGED" (111. Rev. Stat. 19897, ch. 34, par. 3561 et seq.) AS NOW OR HEREFTER

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AMENDED, OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION OF ORGANIZED FACILITIES THEREFORE, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (111. Rev. Stat. 19897, ch. 111 1/2, par. 142 et seq.) AS NOW OR HEREFTER AMENDED; OR

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (111. Rev. Stat. 19897, ch. 23, par. 2211 et seq.) AS NOW OR HEREFTER AMENDED; OR ~~Section 1-113 of the Act~~

ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY. (Section 1-113 of the Act)

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

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Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE PROBATE ACT OF 1975 (Ill. Rev. Stat. 1989, ch. 110 1/2, par. 1-1 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not for profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986, as heretofore or hereafter amended (Ill. Rev. Stat. 1989, ch. 32, par. 101.01 et seq.); or, by a county pursuant to "AN ACT in relation to homes for the aged", as heretofore or hereafter amended (Ill. Rev. Stat. 1989, ch. 34, par. 3561 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

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Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1967 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF/DD-s) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1989, ch. 111, pars. 3651 et seq.), as now or hereafter amended.

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an

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accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

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NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (Ill. Rev. Stat. 19897, ch. 111, par. 3501 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable distinct part of a facility consisting of all the beds within the distinct part, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 19897, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 19897, ch. 111, par. 3701 et seq.).

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate action to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of

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residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1989⁷, ch. 111, par. 4121 et seq.).

Physical Therapy Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1989⁷, ch. 111 par. 4251 et seq.).

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989⁷, ch. 111, par. 4400-1 et seq.).

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

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Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989⁷, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987 (Ill.-Rev-Stat.-1987,-ch.-111,-par.-3501-et-seq.).

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of

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its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails, geriatric or adaptive chairs, a wide hand, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

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Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 6351 et seq. as amended by Public Act 86-113, effective July 21, 1988); and is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and

has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of a floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN

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EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 350.280(q)(8), 350.280(k)(2) and 350.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 350.180(b)(1) and 350.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in regulations, the supervisor must be on the premises if the person does not meet assistant level (two year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED. (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED. (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A

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SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 15 Ill. Reg. ~~466~~, effective January 1, 1991)

Section 350.680 Developmental Disabilities Aides

a) Each of the facility's developmental disabilities aides shall comply with one of the following conditions no later than 45 days after the date of initial employment.

- 1) Provide documentation of registration on the Department's Nurse Aide Registry as of July 1, 1990, or later.
- 2) Enroll in a 120-hour developmental disabilities aide training program that has been approved by the Department under its rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395) and pass the Department-approved nursing assistant-competency-examination. The program coursework shall be successfully completed and the competency-examination passed by the developmental disabilities aide no later than 120 days after the date of initial employment.
- 3) Provide documentation from another state of certification as a nursing assistant on or after January 1, 1990.
- 4) Provide documentation of successful completion of a developmental disabilities aide training course approved by another state as evidenced by a diploma or certificate. The documentation must demonstrate that the course is equivalent to,

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or exceeds, the requirements of the Department's rules governing long-term care assistant and aide training programs (77 Ill. Adm. Code 395).

- 5) ~~Provide documentation of successful completion of a nursing arts course in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school and successful completion of the Department approved nursing assistant competency examination.~~

- 56) Provide documentation of successful completion of the Mental Health Technician Training Program conducted by the Department of Mental Health and Developmental Disabilities.

- 67) Register for the Department's developmental disabilities aide proficiency examination which must be successfully completed no later than 120 days after the date of initial employment.

- b) Each person employed by the facility as a developmental disabilities aide shall meet each of the following requirements:

- 1) BE AT LEAST 16 YEARS OF AGE, OF TEMPERATE HABITS AND GOOD MORAL CHARACTER, HONEST, RELIABLE, AND TRUSTWORTHY. (Section 3-206(a)(1) of the Act)
- 2) BE ABLE TO SPEAK AND UNDERSTAND THE ENGLISH LANGUAGE OR A LANGUAGE UNDERSTOOD BY A SUBSTANTIAL PERCENTAGE OF THE FACILITY'S RESIDENTS. (Section 3-206(a)(2) of the Act)
- 3) PROVIDE EVIDENCE OF EMPLOYMENT OR OCCUPATION, IF ANY, AND RESIDENCE FOR TWO YEARS PRIOR TO INITIAL EMPLOYMENT AS A NURSING ASSISTANT. (Section 3-206(a)(3) of the Act)
- 4) HAVE COMPLETED AT LEAST EIGHT YEARS OF GRADE SCHOOL OR PROVIDE PROOF OF EQUIVALENT KNOWLEDGE. (Section 3-206(a)(4) of the Act)
- c) THE FACILITY SHALL CERTIFY THAT EACH DEVELOPMENTAL DISABILITIES AIDE EMPLOYED BY THE FACILITY MEETS THE REQUIREMENTS OF THIS SECTION. Such certification shall be retained by the facility as part of the employee's personnel record. (Section 3-206(d) and (e) of the Act)
- d) During inspections of the facility, the Department will REQUIRE DEVELOPMENTAL DISABILITIES AIDES TO DEMONSTRATE COMPETENCY IN THE PRINCIPLES, TECHNIQUES, AND PROCEDURES covered by the developmental disabilities aide training program curriculum described in the rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395.310), when possible problems in the care provided by developmental disabilities aides or other evidences of inadequate

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training are observed. Failure to demonstrate competency of the principles, techniques and procedures SHALL RESULT IN THE PROVISION OF IN-SERVICE TRAINING TO THE INDIVIDUAL BY THE FACILITY. The in-service training shall address all of the developmental disabilities aide training principles, techniques, and procedures contained in the rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395). (Section 3-206(a)(5) of the Act)

- e) A facility which conducts a training program for developmental disabilities aides shall comply with the applicable provisions of the Department's rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395.200).

(Source: Amended at 15 Ill. Reg. ⁴⁶⁶, effective January 1, 1991)

Section 350.1220 Physician Services

- a) The facility shall have a written program of medical services that reflects the philosophy of care provided, the policies relating to this, and the procedures for implementation of the services. The program shall include the health services provided by the facility and the arrangements to effect a transfer to other facilities as promptly as needed. The written program of medical services shall be followed in the operation of the facility. (B)
- b) There shall be a formal arrangement for qualified medical care for the facility, including care for medical emergencies on a 24 hour, seven days-a-week basis. The facility shall have an advisory physician, fully licensed to practice medicine in Illinois to provide advice on general health conditions and practices of the facility. (B)
- c) The services of a physician licensed to practice medicine in Illinois shall be available to every resident in the facility. ~~Residents in facilities operated under bona fide Christian-Science auspices may be exempt from this requirement.~~ (A, B)
- d) The resident or his guardian shall be permitted his choice of physicians.
- e) All residents shall be seen by their physician as often as necessary to assure adequate health care (Medicare-Medicaid requires certification visits). (A, B)
- f) Physicians shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and follow-up of individualized

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habilitation programs for treatment.

- g) The statement of treatment goals and management plans shall be reviewed and updated at least semiannually to insure continuing appropriateness of the goals, consistency of management methods with the goals, and the achievement of progress toward the goals.
- h) The facility maintains effective arrangements through which medical and remedial services required by the resident but not regularly provided within the facility can be obtained promptly when needed. (B)
- i) The administrator shall assume the responsibility for meeting the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690), so that there is a minimum danger of transmission of contagious, infectious, or communicable diseases. (B)
- j) No resident with a communicable, contagious, or infectious disease shall be admitted knowingly. An exception shall be a resident whose only such infectious condition is one or more chronic decubital ulcers, from which laboratory tests have proven the presence of a pathogenic organism. Such a resident may be admitted when the facility is capable of implementing appropriate treatment and isolation techniques, to avoid secondary spread of infection. Additional exceptions may be requested on an individual case basis. Permission to admit or keep a resident with any other communicable, contagious, or infectious disease shall require the written approval of both the Department. Such approval will be dependent upon the nature of the infectious condition or disease and the capability of the facility to provide proper care to the resident and to adequately safeguard the staff and other residents of the facility from secondary spread of infection. Any resident when suspected or diagnosed as having any communicable, contagious, or infectious disease, shall be placed in the appropriate type of isolation as required by the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) for the period of time required for each specific disease or until removed from the facility. (A, B)
- k) All illnesses required to be reported under subsection (i) of this Section, shall be reported immediately to the local health department and to the Department. The administrator shall furnish all pertinent information relating to such occurrences. (B)
- l) Each resident admitted shall have a complete physical examination, within five days prior to admission, or within 72 hours after admission to the facility. This examination report shall include an evaluation of the resident's condition including height and weight,

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- m) The facility shall notify the resident's physician of any accident, injury, or change in a resident's condition that threatens the health, safety or welfare of a resident, including, but not limited to, the presence of incipient or manifest decubitus ulcers or a weight loss or gain of five percent or more within a period of 30 days. (B)
- n) At the time of an accident, immediate first aid treatment shall be provided by personnel trained in medically approved first aid procedures. (B)
- o) The admission information for a resident shall include diagnoses, summary of present medical findings, medical history, mental and physical functioning capacity, prognoses and an explicit recommendation by the physician with respect to admission to or continued care in the facility; it shall also include orders for medications, treatments, restorative services, diet, specific procedures recorded for the health and safety of the resident activities and plans for continuing care and discharge. If this information is not received with the resident at the time of admission, it must be received within 48 hours.
- p) If a resident becomes unmanageable, he shall be examined by a physician or a psychiatrist. This medical examination shall be made promptly. A psychologist and members of other appropriate professional disciplines should be consulted. (B)
- q) No resident shall be discharged without the concurrence of the attending physician. All involuntary discharges and transfers shall be in accordance with Sections 3-401 to 3-423 of the Act.
- r) No form of seclusion shall be permitted, even if the resident desires it.

diagnosis, plan of treatment and recommendations, treatment orders, personal care needs, and permission for participation in the activity program as determined appropriate by the attending physician. The report shall include documentation of the presence or absence of tuberculosis infection by tuberculin skin test in accordance with Section 350.1225. The report shall also include documentation of the presence or absence of incipient or manifest decubitus ulcers (commonly known as bed sores) with grade, size and location specified, and orders for treatment if present. (A photograph of incipient or manifest decubitus ulcers is recommended on admission.) The report shall also include orders from the physician regarding weighing of the resident, and the frequency of such weighing, if ordered.

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- s) Restraints shall be used only in an emergency to protect the resident from harming himself or harming other residents, visitors, or staff. If it is necessary to use restraints for this purpose, the attending physician shall be contacted immediately for his orders for this emergency. In the event the attending physician is not immediately available, the facility's advisory physician shall be contacted for such orders. This emergency use of restraints shall be used only temporarily. In a single emergency, restraints shall not be used for a period of more than four hours. If a restraint is used for more than two hours, it must be released for a few minutes at least once every two hours, or more often if necessary. There must be constant observation of the resident while a restraint is being used. No restraints with locking devices may be used. (B)

- t) The reason for ordering and using restraints shall be recorded in the clinical record. There shall be written policies, which are followed in the operation of the facility, covering the use of restraints.

(Source: Amended at 15 Ill. Reg. 466_____, effective January 1, 1991)

Section 350.3220 Medical and Personal Care Program

- a) A RESIDENT SHALL BE PERMITTED TO RETAIN THE SERVICES OF HIS OWN PERSONAL PHYSICIAN AT HIS OWN EXPENSE UNDER AN INDIVIDUAL OR GROUP PLAN OF HEALTH INSURANCE, OR UNDER ANY PUBLIC OR PRIVATE ASSISTANCE PROGRAM PROVIDING SUCH COVERAGE. (Section 2-104(a) of the Act) (B)
- b) THE DEPARTMENT SHALL NOT PRESCRIBE THE COURSE OF MEDICAL TREATMENT PROVIDED TO AN INDIVIDUAL RESIDENT BY THE RESIDENT'S PHYSICIAN IN A FACILITY. (Section 2-104(a) of the Act)
- c) EVERY RESIDENT SHALL BE PERMITTED TO OBTAIN FROM HIS OWN PHYSICIAN OR THE PHYSICIAN ATTACHED TO THE FACILITY COMPLETE AND CURRENT INFORMATION CONCERNING HIS MEDICAL DIAGNOSIS, TREATMENT AND PROGNOSIS IN TERMS AND LANGUAGE THE RESIDENT CAN REASONABLY BE EXPECTED TO UNDERSTAND. (Section 2-104(a) of the Act)
- d) ALL RESIDENTS SHALL BE PERMITTED TO PARTICIPATE IN THE PLANNING OF THEIR TOTAL CARE AND MEDICAL TREATMENT TO THE EXTENT THAT THEIR CONDITION PERMITS. (Section 2-104(a) of the Act)
- e) NO RESIDENT SHALL BE SUBJECTED TO EXPERIMENTAL RESEARCH OR TREATMENT WITHOUT FIRST OBTAINING HIS INFORMED, WRITTEN CONSENT. THE CONDUCT OF ANY EXPERIMENTAL RESEARCH OR TREATMENT SHALL BE AUTHORIZED AND MONITORED BY AN INSTITUTIONAL REVIEW COMMITTEE APPOINTED BY THE ADMINISTRATOR OF THE FACILITY WHERE SUCH RESEARCH AND TREATMENT IS CONDUCTED. (Section 2-104(a) of the Act) (A, B)

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- f) ALL MEDICAL TREATMENT AND PROCEDURES SHALL BE ADMINISTERED AS ORDERED BY A PHYSICIAN. ALL NEW PHYSICIAN ORDERS SHALL BE REVIEWED BY THE FACILITY'S DIRECTOR OF NURSING OR CHARGE NURSE DESIGNED WITHIN 24 HOURS AFTER SUCH ORDERS HAVE BEEN ISSUED TO ASSURE FACILITY COMPLIANCE WITH SUCH ORDERS. (Section 2-104(b) of the Act)

- g) EVERY WOMAN RESIDENT OF CHILD-BEARING AGE SHALL RECEIVE ROUTINE OBSTETRICAL AND GYNECOLOGICAL EVALUATIONS AS WELL AS NECESSARY PRENATAL CARE. (Section 2-104(b) of the Act) In addition, women residents should be referred immediately for diagnosis whenever pregnancy is suspected.

- 1) "Routine obstetrical evaluations" and "necessary prenatal care" shall include, as a minimum, the following:

- A) Early diagnosis of pregnancy.

- B) A comprehensive health history, including menstrual history, data on the current pregnancy that allow the physician to estimate the date of delivery.

- C) Identification of factors in the current pregnancy that help to identify the patient at high risk, such as maternal age, vaginal bleeding, edema, urinary infection, exposure to radiation and chemicals, ingestion of drugs and alcohol, and use of tobacco.

- D) A comprehensive physical examination, including an evaluation of nutritional status; determination of height, weight and blood pressure; examination of the head, breasts, heart, lungs, abdomen, pelvis, rectum, and extremities.

- E) The following laboratory tests, as early in pregnancy as possible. Findings obtained from the history and physical examination may determine the need for additional laboratory evaluations.

- | | |
|-------|--|
| i) | Hemoglobin or hematocrit measurement |
| ii) | Urinalysis, including microscopic examination or culture |
| iii) | Blood group and Rh type determination |
| iv) | Antibody screen |
| v) | Rubella antibody titer measurement |
| vi) | Syphilis screen |
| vii) | Cervical cytology |
| viii) | Viral hepatitis (HBsAg) testing |

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- F) A risk assessment, which, based on the findings of the history and physical examination, should indicate any risk factors that may require special management, such as cardiovascular disease, maternal age less than 15 years or more than 35 years, neurologic disorder, or congenital abnormalities.
- G) Return visits, the frequency of which will be determined by the patient's needs and risk factors. Generally a woman with an uncomplicated pregnancy should be seen every 4 weeks for the first 28 weeks of pregnancy, every 2-3 weeks until 36 weeks of gestation, and weekly thereafter.
- H) The physical examination at each visit should include determinations of blood pressure, measured fundal height, fetal heart rate, and, in later months, fetal presentation, urinalysis for albumin and glucose. Hemoglobin or hematocrit level should be measured again early in the third trimester. Glucose screening is recommended for women who are 30 years of age or older.
- I) Evaluation and monitoring of nutritional status and habits.
- J) Education for health promotion and maintenance.
- K) Counseling concerning exercise and childbirth education programs.
- L) Postpartum review and evaluation 4-8 weeks after delivery, including determination of weight and blood pressure and assessment of status of breasts, abdomen, and external and internal genitalia.
- 2) "Routine gynecological evaluations" shall include, as a minimum, the following:
- A) An initial examination, the basic components of which are:
- i) History; any present illnesses; menstrual reproductive, medical, surgical, emotional, social, family, and sexual history; medications; allergies; family planning; and systems review.
- ii) Physical examination, including height, weight, nutritional status, and blood pressure; head and neck, including thyroid gland; heart; lungs; breasts; abdomen; pelvis, including external and internal genitalia; rectum; extremities, including signs of

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- abuse; lymph nodes.
- iii) Laboratory tests, including urine screen; hemoglobin or hematocrit determination and, if indicated, complete blood cell count; cervical cytology; rubella titer.
- B) Annual updates:
- i) History, including the purpose of the visit; menstrual history; interval history, including systems review; emotional history.
- ii) Physical examination, including weight, nutritional status and blood pressure; thyroid gland; breasts; abdomen; pelvis, including external and internal genitalia; rectum; other areas as indicated by the interval history.
- iii) Laboratory, including urine screen; cervical cytology, unless not indicated; hemoglobin or hematocrit determinations.
- iv) Additional laboratory tests, such as screening for sexually transmitted disease, should be performed as warranted by the history, physical findings, and risk factors.
- C) Cancer screening:
- i) An annual Pap test for all women who are or have been sexually active or have reached age 18.
- ii) Mammography if indicated.
- 3) When a resident is referred for a diagnosis of pregnancy and/or prenatal care, the facility shall send the provider a copy of the resident's medical record, including a list of prescription medications taken by the resident, use of alcohol, tobacco and illicit drugs, or exposure to radiation or chemicals during the preceding three months.
- h) EVERY RESIDENT SHALL BE PERMITTED TO REFUSE MEDICAL TREATMENT AND TO KNOW THE CONSEQUENCES OF SUCH ACTION, UNLESS SUCH REFUSAL WOULD BE HARMFUL TO THE HEALTH AND SAFETY OF OTHERS AND SUCH HARM IS DOCUMENTED BY A PHYSICIAN IN THE RESIDENT'S CLINICAL RECORD. (Section 2-104(c)(b) of the Act) (B)

(g) Inspection and Copying of Records

- 1) EVERY RESIDENT, RESIDENT'S GUARDIAN, OR PARENT IF THE RESIDENT IS A MINOR SHALL BE PERMITTED TO INSPECT AND COPY ALL THE RESIDENT'S CLINICAL AND OTHER RECORDS CONCERNING THE RESIDENT'S CARE AND MAINTENANCE KEPT BY THE FACILITY OR BY THE RESIDENT'S PHYSICIAN. (Section 2-104(d)(b) of the Act)
- 2) EVERY RESIDENT'S REPRESENTATIVE SHALL BE PERMITTED TO INSPECT AND COPY THE RESIDENT'S RECORDS. A "RESIDENT'S REPRESENTATIVE" IS A PERSON, OTHER THAN THE OWNER OR AN AGENT OR EMPLOYEE OF A FACILITY WHO IS NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Sections 1-123 and 2-202(h) of the Act)

(h)

A RESIDENT SHALL BE PERMITTED RESPECT AND PRIVACY IN HIS MEDICAL AND PERSONAL CARE PROGRAM. EVERY RESIDENT'S CASE DISCUSSION, CONSULTATION, EXAMINATION AND TREATMENT SHALL BE CONFIDENTIAL AND SHALL BE CONDUCTED DISCREETLY, AND THOSE PERSONS NOT DIRECTLY INVOLVED IN THE RESIDENT'S CARE MUST HAVE HIS PERMISSION TO BE PRESENT. (Section 2-105 of the Act) (B)

(Source: Amended at 15 Ill. Reg. 466_____, effective January 1, 1991)

Section 350.3240 Abuse and Neglect

- a) AN OWNER, LICENSEE, ADMINISTRATOR, EMPLOYEE OR AGENT OF A FACILITY SHALL NOT ABUSE OR NEGLECT A RESIDENT. (A,--B) (Section 2-107 of the Act) (A,B)
- b) A FACILITY EMPLOYEE OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER TO THE FACILITY ADMINISTRATOR. (Section 3-610 of the Act)
- c) A FACILITY ADMINISTRATOR WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER BY TELEPHONE AND IN WRITING TO THE RESIDENT'S REPRESENTATIVE. (Section 3-610 of the Act)
- d) A FACILITY ADMINISTRATOR, EMPLOYEE, OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL ALSO REPORT THE MATTER TO THE DEPARTMENT. (Section 3-610 of the Act)
- e) EMPLOYEE AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A RESIDENT INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT AN EMPLOYEE OF A LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT EMPLOYEE SHALL IMMEDIATELY BE BARRED

FROM ANY FURTHER CONTACT WITH RESIDENTS OF THE FACILITY, PENDING THE OUTCOME OF ANY FURTHER INVESTIGATION, PROSECUTION OR DISCIPLINARY ACTION AGAINST THE EMPLOYEE. (Section 3-611 of the Act)

- f) RESIDENT AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A RESIDENT INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT ANOTHER RESIDENT OF THE LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT RESIDENT'S CONDITION SHALL BE IMMEDIATELY EVALUATED TO DETERMINE THE MOST SUITABLE THERAPY AND PLACEMENT FOR THE RESIDENT, CONSIDERING THE SAFETY OF THAT RESIDENT AS WELL AS THE SAFETY OF OTHER RESIDENTS AND EMPLOYEES OF THE FACILITY. (Section 3-612 of the Act)

(Source: Amended at 15 Ill. Reg. 466_____, effective January 1, 1991)

Section 350.3260 Resident's Funds

- a) A RESIDENT SHALL BE PERMITTED TO MANAGE HIS OWN FINANCIAL AFFAIRS UNLESS HE OR HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT, AUTHORIZES THE ADMINISTRATOR OF THE FACILITY IN WRITING TO MANAGE SUCH RESIDENT'S FINANCIAL AFFAIRS UNDER SUBSECTIONS (b) through (o)(4) OF THIS SECTION. (Section 2-102 of the Act)
- b) THE FACILITY SHALL AT THE TIME OF ADMISSION, PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN STATEMENT EXPLAINING THE RESIDENT'S RIGHTS REGARDING PERSONAL FUNDS AND LISTING THE SERVICES FOR WHICH THE RESIDENT WILL BE CHARGED, AND OBTAIN A SIGNED ACKNOWLEDGEMENT FROM EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, THAT SUCH PERSON HAS RECEIVED THE STATEMENT. (Section 2-101(1) of the Act)
- c) THE FACILITY MAY ACCEPT FUNDS FROM A RESIDENT FOR SAFEKEEPING AND MANAGING, IF IT RECEIVES WRITTEN AUTHORIZATION FROM, IN ORDER OF PRIORITY, THE RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY; SUCH AUTHORIZATION SHALL BE ATTESTED TO BY A WITNESS WHO HAS NO PECUNIARY INTEREST IN THE FACILITY OR ITS OPERATIONS, AND WHO IS NOT CONNECTED IN ANY WAY TO FACILITY PERSONNEL OR THE ADMINISTRATOR IN ANY MANNER WHATSOEVER. (Section 2-101(2) of the Act)
- d) THE FACILITY SHALL MAINTAIN AND ALLOW, IN ORDER OF PRIORITY, EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, ACCESS TO A WRITTEN RECORD OF ALL FINANCIAL ARRANGEMENTS AND TRANSACTIONS INVOLVING THE INDIVIDUAL RESIDENT'S FUNDS.

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(Section 2-101(3) of the Act)

- e) THE FACILITY SHALL PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN ITEMIZED STATEMENT AT LEAST QUARTERLY, OF ALL FINANCIAL TRANSACTIONS INVOLVING THE RESIDENT'S FUNDS. (Section 2-101(4) of the Act)
- f) THE FACILITY SHALL PURCHASE A SURETY BOND TO GUARANTEE THE SECURITY OF RESIDENT'S FUNDS. (Section 2-101(5) of the Act)
- g) THE FACILITY SHALL KEEP ANY FUNDS RECEIVED FROM A RESIDENT FOR SAFEKEEPING IN AN ACCOUNT SEPARATE FROM THE FACILITY'S FUNDS, AND SHALL AT NO TIME WITHDRAW ANY PART OR ALL OF SUCH FUNDS FOR ANY PURPOSE OTHER THAN TO RETURN THE FUNDS TO THE RESIDENT UPON THE REQUEST OF THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH REQUEST, TO PAY THE RESIDENT HIS ALLOWANCE, OR TO MAKE ANY OTHER PAYMENT AUTHORIZED BY THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH AUTHORIZATION. (Section 2-101(6) of the Act)
- h) THE FACILITY SHALL DEPOSIT ANY FUNDS RECEIVED FROM A RESIDENT IN EXCESS OF \$100 IN AN INTEREST BEARING ACCOUNT INSURED BY AGENCIES OF, OR CORPORATIONS CHARTERED BY, THE STATE OR FEDERAL GOVERNMENT. THE ACCOUNT SHALL BE IN A FORM WHICH CLEARLY INDICATES THAT THE FACILITY HAS ONLY A FIDUCIARY INTEREST IN THE FUNDS AND ANY INTEREST FROM THE ACCOUNT SHALL ACCRUE TO THE RESIDENT. (Section 2-101(7) of the Act)
- i) THE FACILITY MAY KEEP UP TO \$100 OF A RESIDENT'S MONEY IN A NON-INTEREST BEARING ACCOUNT OR PETTY CASH FUND, TO BE READILY AVAILABLE FOR THE RESIDENT'S CURRENT EXPENDITURES. (Section 2-101(7) of the Act)
- j) THE FACILITY SHALL RETURN TO THE RESIDENT, OR THE PERSON WHO EXECUTED UPON WRITTEN AUTHORIZATION REQUIRED IN SUBSECTION (c) OF THIS SECTION, THE FACILITY FOR SAFEKEEPING, INCLUDING THE INTEREST ACCRUED FROM DEPOSITS. (Section 2-101(8) of the Act)
- k) THE FACILITY SHALL PLACE ANY MONTHLY ALLOWANCE TO WHICH A RESIDENT IS ENTITLED IN THAT RESIDENT'S PERSONAL ACCOUNT, OR GIVE IT TO THE RESIDENT, UNLESS THE FACILITY HAS WRITTEN AUTHORIZATION FROM THE RESIDENT, OR THE RESIDENT'S GUARDIAN, OR IF THE RESIDENT IS A MINOR, HIS PARENT, TO HANDLE IT DIFFERENTLY. (Section 2-101(9) of the Act)
- l) UNLESS OTHERWISE PROVIDED BY STATE LAW, THE FACILITY SHALL UPON THE DEATH OF A RESIDENT PROVIDE THE EXECUTOR OR ADMINISTRATOR OF THE RESIDENT'S ESTATE WITH A COMPLETE ACCOUNTING OF ALL THE RESIDENT'S

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PERSONAL PROPERTY, INCLUDING ANY FUNDS OF THE RESIDENT BEING HELD BY THE FACILITY. (Section 2-101(10) of the Act)

- m) IF AN ADULT RESIDENT IS INCAPABLE OF MANAGING HIS FUNDS AND DOES NOT HAVE A RESIDENT'S REPRESENTATIVE, GUARDIAN, OR AN IMMEDIATE FAMILY MEMBER THE FACILITY SHALL NOTIFY THE OFFICE OF THE STATE GUARDIAN OF THE GUARDIANSHIP AND ADVOCACY COMMISSION. (Section 2-101(11) of the Act)
- n) IF THE FACILITY IS SOLD, THE SELLER SHALL PROVIDE THE BUYER WITH A WRITTEN VERIFICATION BY A PUBLIC ACCOUNTANT OF ALL RESIDENTS' MONIES AND PROPERTIES BEING TRANSFERRED, AND OBTAIN A SIGNED RECEIPT FROM THE NEW OWNER. (Section 2-101(12) of the Act)
- o) THE FACILITY SHALL TAKE ALL STEPS NECESSARY TO ENSURE THAT A PERSONAL NEEDS ALLOWANCE THAT IS PLACED IN A RESIDENT'S PERSONAL ACCOUNT IS USED EXCLUSIVELY BY THE RESIDENT OR FOR THE BENEFIT OF THE RESIDENT. WHERE SUCH FUNDS ARE WITHDRAWN FROM THE RESIDENT'S PERSONAL ACCOUNT BY ANY PERSON OTHER THAN THE RESIDENT, THE FACILITY SHALL REQUIRE SUCH PERSON TO WHOM FUNDS CONSTITUTING ANY PART OF A RESIDENT'S PERSONAL NEEDS ALLOWANCE ARE RELEASED TO EXECUTE AN AFFIDAVIT THAT SUCH FUNDS SHALL BE USED EXCLUSIVELY FOR THE BENEFIT OF THE RESIDENT. (Section 2-201(9)(b) of the Act). "Personal needs allowance," for the purposes of this subsection, refers to the monthly allowance allotted by the Illinois Department of Public Aid to public aid recipients.

(Source: Amended at 15 Ill. Reg. 466, effective January 1, 1991)

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

Section 350.3710 Applicability of Other Provisions of this Part

- a) An Intermediate Care Facility for the Developmentally Disabled of 16½ Beds or Less is a facility licensed as an intermediate care facility for the developmentally disabled (ICF/DD) for 16½ or fewer residents.
- b) The standards and regulations stated in other divisions of this publication shall apply to this type of facility unless indicated otherwise in this Subpart P, by substitutions or additions.
- c) An Intermediate Care Facility for the Developmentally Disabled of 16½ Beds or Less shall consist of no more than one building housing a maximum of 16½ residents.
- 1) Housing for developmentally disabled persons shall be located on

non-adjacent sites and shall be similar in design and construction as other buildings and dwellings within the area. An ICF/DD-1615 Bed or Less Facility shall not be physically part of another facility or residential program licensed or funded by the state. A distance of at least 300 feet must separate an ICF/DD-1615 Bed or Less facility from other state licensed or state funded residential facilities. (A, B)

2) Any facility which is already licensed as an ICF/DD of 1615 Beds or Less, and which does not meet the criteria listed in subsection (c)(1) of this Section, may continue to operate as it was prior to the effective date of this Subpart P, as long as it remains continuously licensed. However, the criteria listed in subsection (c)(1) of this Section shall apply on any date the license terminates by operation of law, such as a change of ownership, voluntary closing of the facility by the licensee, or the license being revoked by the Department.

3) Any facility having submitted an application for a permit or having been issued a permit from the Illinois Health Facilities Planning Board to establish an ICF/DD of 1615 Beds or Less which does not meet the criteria listed in subsection (c)(1) of this Section may establish and operate such a facility, if it is licensed no later than six months after the effective date of the permit. However, the criteria listed in subsection (c)(1) of this Section shall apply if the facility fails to obtain a license within six months after the effective date of the permit, or on any date the license of such facility terminates by operation of law, such as a change of ownership, voluntary closing of the facility by the licensee, or the license being revoked by the Department.

d) Every facility applying for licensure as ICF/DD of 1615 Beds or Less, after the effective date of this Subpart P, shall meet all the requirements contained in this Subpart P. This is required both for newly constructed buildings and existing buildings converting to this type of licensure.

e) Any person wishing to establish an ICF/DD of 1615 Beds or Less facility must obtain a permit from the Illinois Health Facilities Planning Board. See Section 350.110(f).

(Source: Amended at 15 Ill. Reg. 466, effective January 1, 1991)

Section 350.3720 Administration

a) The administrator is responsible for ensuring that the facility remains in compliance with the Act and this Subpart P, and that all

resident care plans are carried out as written. The administrator need not be full-time as required by Section 350.510(a), but shall spend at least four hours per week in the facility in the performance of these duties. (B)

b) No person shall be the Administrator of more than four licensed ICF/DD of 1615 Beds or Less.

c) In the absence of the Administrator, the Resident Services Director shall be responsible for the overall operation of the facility.

d) In the absence of both the Administrator and the Resident Services Director, there shall be delegated written adequate authority and supervisory responsibility to a person at least 18 years of age who is capable of acting in an emergency during their absence. Such administrative assignments shall not interfere with resident care and supervision. (B)

e) One person may perform the functions of both an Administrator and Resident Services Director. However this person must meet the requirements as set forth in Subpart B as modified by this Section. (B)

(Source: Amended at 15 Ill. Reg. 466, effective January 1, 1991)

Section 350.3730 Admission and Discharge Policies

a) Residents shall only be admitted who have had a comprehensive evaluation covering physical, emotional, social and cognitive factors, conducted by an appropriately constituted, interdisciplinary team. As part of this evaluation the team shall determine the capabilities of the resident's ability for self-preservation. (B)

b) No residents shall be admitted to, nor kept in, the facility who are not ambulatory. In addition, all residents must be able to move about without assistance from other persons and must be able to take action for self-preservation under emergency situations.

c) Each resident of an ICF/DD of 1615 Beds or Less shall be either employed or enrolled in an external day program, off the grounds of the facility, at least 200 days per year, five hours per day. A resident may participate in more than one program to meet this requirement.

1) The provision of employment or enrollment in a day program shall be documented in the resident's individual habilitation plan.

2) Each interdisciplinary team review shall include a review of the

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resident's day program to assure consistent program planning and implementation.

- 3) When possible, representatives from the resident's employment or day program shall participate in the interdisciplinary team review.

(Source: Amended at 15 Ill. Reg. 466, effective January 1, 1991)

Section 350.3750 Consultation Services and Nursing Services

An ICF/DD of 1615 Beds Or Less, shall admit only residents certified by a physician as not in need of professional nursing services. The need for training or supervision in self-medication shall not, in and of itself, constitute a need for professional nursing services. Arrangements shall be made through formal contract for the services of a registered nurse or public health nurse to visit as required for the care of minor illnesses, injuries or emergencies, and to provide consultation on the health aspects of the individual plans of care. A responsible staff member shall be on duty at all times who is immediately accessible, and to whom residents can report injuries, symptoms of illness, and emergencies (see Section 350.810(a)). The consultant nurse shall give this consultation in the facility not less than two hours per month. (B)

(Source: Amended at 15 Ill. Reg. 466, effective January 1, 1991)

Section 350.3770 Food Services

- a) The food service in each facility shall be under the operational supervision of a manager or supervisor who has been certified in food service sanitation in accordance with Subpart C of the Department's rules entitled, "Food Service Sanitation" Code (77 Ill. Adm. Code 750). This person need not be a dietitian or a dietetic service supervisor as required in Section 350.1810(a)(1). This person shall be responsible for ensuring that the food service is in compliance with Section 350.3770 of this Part. This person shall spend at least four hours a week in the performance of these duties. (B)
- b) If the person responsible for the food services is not a dietitian he or she shall consult with a dietitian no less than two hours per month.
- c) Food should be prepared and served family style to approximate, as nearly as possible, a family living situation. Residents should be allowed and encouraged to serve themselves the appropriate amount of food for a properly balanced diet. Residents shall be allowed and encouraged to choose their own seating arrangements.

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- d) The facility shall have available at least one copy of a current diet manual acceptable to this Department, located in the kitchen and available to dietary personnel.

- e) New or replacement kitchen equipment need not be of an institutional type.

- f) ICF/DD of 1615 Beds or Less shall also comply with the Sections of the Department's rules entitled, "Food Service Sanitation" Code (77 Ill. Adm. Code 750) which are listed in Table D.

(Source: Amended at 15 Ill. Reg. 466, effective January 1, 1991)

Section 350.3780 Codes and Standards

- a) In addition to compliance with the Standards set forth herein, all building codes, ordinances and regulations which are enforced by City, County or other local jurisdictions in which the facility is, or will be located must be observed.

- b) The Federal Government under the certification process requires conformance with the 1967 Life Safety Code for lodging or rooming house occupancy. Since the requirements contained in this Subpart P are more stringent than lodging or rooming house occupancy of the 1967 Life Safety Code, certification must be based on compliance with the requirements contained in this Subpart P.

- c) See Section 350.2620(a) for all the required Codes and Standards. The following Codes and Standards listed in Section 350.2620(a)(2) are not required for ICF/DD of 1615 Beds or Less.

1) National Fire Protection Association

- A) NFPA 13-1976, Installation of Sprinkler Systems
 B) NFPA 13A-1976, Care and Maintenance of Sprinkler Systems
 C) NFPA 56F-1974, Standard for Non-Flammable Medical Gas Systems
 D) NFPA 90A-1976, Air Conditioning and Ventilating Systems
 E) NFPA 96-1076, Vapor Removal from Cooking Equipment
 F) NFPA 253-1978, Flooring Radiant Heat Energy Test
- 2) Underwriter's Laboratory, Inc. (UL), Standard No. 181-1974, Factory made Air Duct Materials and Air Duct Connectors

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- 3) American Society for Testing and Materials (ASTM), Standard No. E90-1975, Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions
- 4) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE)
 - A) Handbook of Fundamentals, 1977
 - B) Standard No. 52-76, Methods of Testing Air Cleaning Devices Used in General Ventilation for Removing Particulate Matters
- 5) Uniform Building Code (1976 Edition)
- 6) National Standard Plumbing Code (1976 Edition)
- 7) Standard No. A17.1-1971, American National Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Stairs
- 8) HUD FT/TS-24, A Guide to Air Borne, Impact and Structure Borne Noise Control in Multi-Family Dwellings

(Source: Amended at 15 Ill. Reg. ~~466~~, effective January 1, 1991)

Section 350.3810 Nurses Station

A nurses station is not required in Intermediate Care Facilities for the Developmentally Disabled of ~~16~~ 15 Beds or Less.

(Source: Amended at 15 Ill. Reg. ~~466~~, effective January 1, 1991)

Section 350.3880 General Building Requirements

a) Stairway Dimensions

- 1) If a facility has a stairway, the stairway must have a minimum headroom of six feet, eight inches and a maximum height of 12 feet between landings. A minimum clear width of three feet is required, except for handrails which may project three and one-half inches on each side. A handrail is required only on one side of the stairs. Width of treads, exclusive of nosing or projection, may not be less than nine inches. Risers may not be more than eight inches. Every stairway landing shall be at least as deep as the width of any stairway door which opens onto the landing. Stairways with triangular or winding treads are permissible providing the stairways are at least three feet wide and the width of each tread is not narrower than six inches at any point. A stairway consisting of a single riser is not acceptable. (B)

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- 2) For facilities licensed on or before October 1, 1987, the following exceptions to subsection (a)(1) of this Section shall apply:
 - A) For all stairways, a minimum clear width of 26 inches (rather than three feet) is required.
 - B) For stairways with triangular or winding treads, the stairway may be no less than 26 inches wide (rather than three feet) and the width of each tread may be narrower than six inches for up to 25 percent of the tread.
 - C) Such facilities must comply with any additional requirements which may be imposed by the State Fire Marshal.
- b) Handrails at stairways shall be one and one-half inches in diameter and one and one-half inches minimum clear of the wall.
- c) Every facility shall have a ceiling height of seven feet, six inches or more, throughout all rooms occupied or used by residents. Any projection from the ceiling shall have a clearance of at least six feet, eight inches from the floor. Ceiling heights of basements may be seven feet.
- d) Every required exit door to the outside shall be of the side hinged swinging type, and have a minimum width of 36 inches.
- e) Locks on exterior doors shall not require the use of a key for operation from the inside of the building.
- f) Every door shall have a latch or other fastening device, which can be released by a simple type of releasing device, such as a knob, handle or panic bar. The method of operating all such releasing devices shall be obvious, even in the dark.
- g) The floor on both sides of a door in a means of egress shall be the same elevation on both sides of the door; a distance equal to the width of the widest single door shall be maintained at the landing. When the door discharges to the outside or to an exterior balcony, exterior exit, or exterior exit access, the floor level outside the door may be one step lower than the inside, but not more than eight inches lower. However, at the two required exits at the first floor there can be no step. This is to provide accessibility for handicapped staff or visitors, if administration and public areas are located within the facility.
- h) Every facility shall have either swinging or sliding exterior doors. However, all exterior doors in required means of egress must be of

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the side-hinged, swinging type. Door closers and panic hardware are not required.

- i) The doors for the toilet rooms used by residents shall have a minimum door width of 28 inches. (B)
- j) The doors for the resident bedrooms shall have a minimum door width of 30 inches. Automatic closers are not required on resident bedroom doors. (B)
- k) Elevators are not required in an ICF/DD of 16½ Beds or Less.

(Source: Amended at 15 Ill. Reg. 466_____, effective January 1, 1991)

Section 350.3900 Special Care Room

A special care room is not required in Intermediate Care Facilities for the Developmentally Disabled of 16½ Beds or Less.

(Source: Amended at 15 Ill. Reg. 466_____, effective January 1, 1991)

Section 350.3940 Mechanical Systems

Thermal and acoustical insulation requirements in Section 350.2720(b) of this Part do not apply to ICF/DD Facilities of 16½ beds or Less.

(Source: Amended at 15 Ill. Reg. 466_____, effective January 1, 1991)

Section 350.4010 Construction Types

- a) Buildings shall be of fire resistive, protected noncombustible, one hour protected ordinary, one hour protected wood frame, heavy timber, or unprotected noncombustible type construction. (B)
- b) Buildings shall be no more than two stories in height. Basements are permitted for use as resident living and activity areas. Basements are also permitted for resident dining and sleeping areas if they are dry, have a window area which is at least ten percent of the floor area, the window sill height does not exceed a maximum of three feet above the floor and there are two approved exits to grade level. Attics are not permitted for any kind of resident use. However, both attics and basements may be used as storage space and for various staff use functions such as offices, and sleeping quarters.

- c) Any ICF/DD of 16½ Beds or Less which shares a common wall with any other occupancy must be separated from that occupancy by a minimum of one hour rated fire wall. (B)

(Source: Amended at 15 Ill. Reg. 466_____, effective January 1, 1991)

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Section 350.TABLE D Food Service Sanitation Rules 77 Illinois Admin. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of (16)415 Beds or Less

750.10	750.670 (a), (b), and (c)
750.100	750.690
750.110 (a), (b), and (c)	750.700
750.120 a	750.710
750.130 (a), (b), (c), (d), (e), and (f)	750.750
750.140 a, b, c, and d	750.800 (a), (b), (c), d, and e
750.150 (a) and (b)	750.810 a
750.160	750.820 c; d1 and 3; e 2, 3, and 4
750.170	750.830 (a) and (f)
750.180 (a), (b), (c), (d) (e), and (f)	750.840
750.190	750.850
750.200	750.860 (a), (b), and (c)
750.210	750.870
750.220	750.880 a and b
750.230	750.1130 (a), (c), (d), and (e)
750.240	750.1140 (a), (b), and (c)
750.270	750.1150 (a) and (b)
750.290	750.1240 (a) and (b)
750.320	750.1290
750.510	750.1300
750.520 (a)	750.1310 (a) and (b)
750.530 (a), (b), (c), and (d)	750.1320 (a) and (b)
750.600	750.1330
750.610	750.1340
750.620	750.1370 (b)
750.630	750.1380 (a) and (b)
750.640	750.1390
750.650 (a), (b), and (c)	750.1400
750.660 (a), (b), and (c)	

The requirements concerning sanitization in Section 750.670 (a) and (b); Section 750.800 (a), (b), and (c); Section 750.820 (d) and (e); Section 750.830 (a); Section 750.850; and Section 750.860 (a) are not applicable to ICF/DD of Sixteen Beds or Less.

(Source: Amended at 15 Ill. Reg. 466_____, effective January 1, 1991)

Section 350.TABLE E Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) to Ninety (90) Beds or Less

Construction Type	Stories	
	1	2
2-hour Protected Noncombustible	X	X
1-hour Protected Noncombustible	X	X*
Noncombustible	X*	X*
Heavy Timber	X*	X*
1-hour Protected Ordinary	X*	X*
1-hour Protected Wood Frame	X*	X*
Ordinary Frame	X*	X*

Key: X = Allowed types of construction
* = Building requires automatic fire extinguishment protection

(Source: Amended at 15 Ill. Reg. 466, effective January 1, 1991)

- 1) Heading of the Part:
Sheltered Care Facilities Code
- 2) Code Citation:
77 Ill. Adm. Code 330
- 3) Section Numbers:
330.330 Amendments
330.913 Repeal
330.1110 Amendments
330.4220 Amendments
330.4240 Amendments
330.4260 Amendments
- 4) Statutory Authority:
The Nursing Home Care Act
Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq., as amended by
Public Act 86-1198, effective October 1, 1990.
- 5) Effective Date of Rules:
January 1, 1991.
- 6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X
If "yes," please specify date: ___
- 7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ___ No X
If "yes," please specify type: 6.02(a) ___ or 6.02(b) ___
If "6.02(b)," was a copy of the approval form issued by the Joint
Committee attached to this rulemaking? Yes ___ No ___
- 8) Date Filed in Agency's Principal Office:
January 1, 1991
- 9) Date Notice(s) of Proposal was Published in Illinois Register:
June 22, 1990 - 14 Ill. Reg. 9920
- 10) Has the Joint Committee on Administrative Rules issued a Statement of
Objections to these Rules? Yes ___ No X

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If "yes," please complete the following:

- A) Statement of Objection: _____, Ill. Reg. _____
- B) Agency Response: _____, Ill. Reg. _____
- C) Date Agency Response Submitted for Approval to the Joint Committee: _____

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 330.4220(f), a new subsection (g) is created beginning with the sentence "EVERY WOMAN RESIDENT....", leaving the first two sentences as subsection (f). A statutory reference to Section 2-104(b) is inserted at the end of subsection (f). Subsequent subsections are relettered accordingly.
2. A new Section 330.4220(g)(1)(A) is added as follows: "A) Early diagnosis of pregnancy;"
3. In Section 330.4220(g), the following is added: "In addition, women residents should be referred immediately for diagnosis whenever pregnancy is suspected."
4. Section 330.4220(g)(1) is redrafted as follows: " 'Routine obstetrical evaluations' and 'necessary prenatal care' shall include, as a minimum, the following"; subsection (g)(2) is deleted; and subsections (g)(2)(A)-(F) are relettered as (G)-(L).
5. A new Section 330.4220 (g)(3) is added as follows:

- 3) When a resident is referred for a diagnosis of pregnancy and/or prenatal care, the facility shall send to the provider a copy of the resident's medical record, including a list of prescription medications taken by the resident; use of alcohol, tobacco and illicit drugs; or exposure to radiation or chemicals during the preceding three months.

6. Public Act 86-1198 amended the Nursing Home Care Act to exempt licensed sheltered care facilities from the nurse aide training requirements in Section 3-206 of the Act. Therefore, the Department is repealing, rather than amending, Section 330.913 of the proposed rules, which implements the nurse aide training requirements of Section 3-206 of the Act.

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7. The Authority Note and the definition of "Act" in Section 330.330 are amended to cite the 1989 Illinois Revised Statutes and to include a reference to Public Act 86-1198.
8. In the definition of "Administrative Warning" in Section 330.330, "level" is changed to "type" to correspond to the statutory definitions in Section 330.330.
9. In Section 330.4220(g)(1)(E), testing for viral hepatitis (HBsAg) is added.
10. The Source Note and Authority Note are updated to reflect a previously adopted rulemaking, effective October 1, 1990.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

The Joint Committee did not request any changes.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Joint Committee did not request any changes.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

- 14) Are there any other Amendments Pending on this Part? Yes ☐ No ☒

If Yes:

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
------------------------	------------------------	---------------------------

15) Summary and Purpose of Rules:

The following amendments are being adopted by the Department of Public Health to implement legislation passed by the 86th General Assembly amending the Nursing Home Care Act. Related amendments to the rules governing the licensure of skilled nursing and intermediate care facilities (77 Ill. Adm. Code 300), intermediate care facilities for

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persons with developmental disabilities (77 Ill. Adm. Code 350), and long-term care facilities for persons under age 22 (77 Ill. Adm. Code 390) are also being adopted.

Definition of facility: The Department is amending the definition of "facility" in Section 330.330 to implement Public Act 86-130, which amends the Nursing Home Care Act to exempt from the definition of "facility" any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well recognized church or religious denomination.

Christian Science facilities: In Section 330.1110, the Department is deleting a provision stating that residents in facilities operated under bona fide Christian Science auspices may be exempt from the requirement that the services of an Illinois licensed physician be available to every resident of a facility. Pursuant to Public Act 86-130, such facilities are no longer required to be licensed.

Medical treatment and procedures: Section 330.4220 is being amended in accordance with an amendment to Section 2-104(b) of the Nursing Home Care Act that requires all medical treatment and procedures to be administered as ordered by a physician. All new physician orders are to be reviewed by the facility's director of nursing or charge nurse designee within 24 hours after issuance. In addition, every woman resident of child-bearing age is to receive routine obstetrical and gynecological evaluations and necessary prenatal care. Guidelines of the American College of Obstetricians and Gynecologists have been included to more clearly define what constitutes "routine obstetrical and gynecological evaluations and necessary prenatal care." These changes are necessitated by Public Act 86-1013.

Employee or resident as perpetrator of abuse: The amendment of Section 330.4240 includes provisions concerning the perpetration of abuse by residents or employees. An employee who is the perpetrator of abuse will immediately be barred from any further contact with residents of the facility, pending the outcome of any further investigation, prosecution or disciplinary action against the employee. The condition of a resident who is the perpetrator of abuse will be evaluated to determine the most suitable therapy and placement for the resident, considering the safety of the resident as well as the safety of other residents and employees of the facility.

Personal needs allowance: Also in accordance with Public Act 86-1013, the Department is amending of Section 300.4260 to implement Public Act 86-486, which requires facilities to take all steps necessary to ensure that a personal needs allowance that is placed in a resident's personal account is used exclusively by the resident or for the benefit of the resident. A definition of the term "personal needs allowance" is also included.

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In addition to the amendments implementing legislation, the Department is repealing Section 330.913 in response to Public Act 86-1198, effective October 1, 1990, which amends Section 3-206 of the Nursing Home Care Act to exempt licensed sheltered care facilities from the nurse aide training requirements set forth therein.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6137.

The full text of the Adopted Amendments begins on the next page:

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TITLE 77 PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 330

SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

- Section
330.110 General Requirements
330.120 Application for License
330.130 Licensee
330.140 Issuance of an Initial License For a New Facility
330.150 Issuance of an Initial License Due to a Change of Ownership
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 APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service
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TABLE A Disaster Preparedness Parameters--Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (111.

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Rev. Stat. 1989, ch. 111 1/2, pars. 4151-101 et seq., as amended by Public Act 86-1198, effective October 1, 1990).

SOURCE: Emergency rules adopted at 4 111. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 111. Reg. 30, p. 933, effective July 28, 1980; amended at 6 111. Reg. 5981, effective May 3, 1982; amended at 6 111. Reg. 8198, effective June 29, 1982; amended at 6 111. Reg. 14547, effective November 8, 1982; amended at 6 111. Reg. 14681, effective November 15, 1982; amended at 7 111. Reg. 1963, effective January 28, 1983; amended at 7 111. Reg. 6973, effective May 17, 1983; amended at 7 111. Reg. 15825, effective November 15, 1983; amended at 8 111. Reg. 15596, effective August 15, 1984; amended at 8 111. Reg. 15941, effective August 17, 1984; codified at 8 111. Reg. 19790; amended at 8 111. Reg. 24241, effective November 28, 1984; amended at 8 111. Reg. 24696, effective December 7, 1984; amended at 9 111. Reg. 2952, effective February 25, 1985; amended at 9 111. Reg. 10974, effective July 1, 1985; amended at 11 111. Reg. 16879, effective October 1, 1987; amended at 12 111. Reg. 1017, effective December 24, 1987; amended at 12 111. Reg. 16870, effective October 1, 1988; emergency amendment at 12 111. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 111. Reg. 6562, effective April 17, 1989; amended at 13 111. Reg. 19580, effective December 1, 1989; amended at 14 111. Reg. 14928, effective October 1, 1990; amended at 15 111. Reg. 516, effective January 1, 1991.

NOTE: Italics and capitalization denote statutory language.

Section 330.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 1-103 of the Act)

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

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OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (111. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 86-1198, effective October 1, 1990 Public Act 86-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988-).

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 330.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type level A or type level B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

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WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OF STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; Mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care

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facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's his guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the

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infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 2301 et seq.).

Department - as used in these standards means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disability - a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairments;

is manifest before age 22;

is likely to continue indefinitely;

results in substantial functional limitations in three or more of the following areas of major life activities:

self-care;

receptive and expressive language;

learning;

mobility;

self-direction;

capacity for independent living; and

economic self-sufficiency; and

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reflects the persons' needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE.
(Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

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DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY.
(Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of these standards.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when

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used in these standards is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in these minimum Standards.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO THE COUNTY HOME ACT (111. Rev. Stat. 1989, ch. 53, par. 61 et seq.), AS NOW OR HEREFTER AMENDED, OR BY A COUNTY PURSUANT TO "AN ACT IN RELATION TO HOMES FOR THE AGED" (111. Rev. Stat. 1989, ch. 34, par. 3561 et seq.) AS NOW OR HEREFTER AMENDED, OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION AS ORGANIZED FACILITIES THEREFOR, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (111. Rev. Stat. 1989, ch. 111 1/2, par. 142 et seq.) AS NOW OR HEREFTER AMENDED; OR

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (111. Rev. Stat. 1989, ch. 23, par. 2211 et seq.) AS NOW OR HEREFTER AMENDED; OR ~~Section 1-113 of the Act~~

ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-ORGANIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND

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RULES RELATING TO SANITATION AND SAFETY. (Section 1-113 of the Act)

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE "PROBATE ACT OF 1975" (111. Rev. Stat. 1989, ch. 110 1/2, par. 1-1 et seq.) AS NOW OR HEREFTER AMENDED. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not for

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profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986, as heretofore or hereafter amended (Ill. Rev. Stat. 1989, ch. 32, par. 101.01 et seq.); or, by a county pursuant to "AN ACT in relation to homes for the aged", as heretofore or hereafter amended (Ill. Rev. Stat. 1989, ch. 34, par. 3561 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1967 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for the Developmentally Disabled (ICF/DD's) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act, as now or hereafter amended (Ill. Rev. Stat. 1989, ch. 111, par. 3651 et seq.).

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

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LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life-care contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART); or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the state regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR

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PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable distinct part of a facility consisting of all the beds within the distinct part, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered

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with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 3701 et seq.).

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate action to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4121 et seq.).

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Physical Therapy Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (111. Rev. Stat. 1989⁷, ch. 111, par. 4251 et seq.).

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (111. Rev. Stat. 1989⁷, ch. 111, par. 4400-1 et seq.).

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (111. Rev. Stat. 1989⁷, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational,

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technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987 (111. Rev. Stat. 1987⁷, ch. 111, par. 3501 et seq.).

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or

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hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails, geriatric or adaptive chairs, a wide band, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 6351 et seq., as amended by Public Act 85-1137, effective July 21, 1988); and

is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and

has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE

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CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 330.280(q)(8), 330.280(k)(2) and 330.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 330.180(b)(1) and 330.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in regulations, the supervisor must be on the premises if the person does not meet assistant level (two year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as

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a Therapeutic Recreation Specialist.

after the date of initial employment:

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED (42 U.S.C. 1395 et seq.). (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED (42 U.S.C. 1395 et seq.). (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 15 Ill. Reg. 516, effective January 1, 1991)

Section 330.913 Nursing and Personal Care Assistants (Repealed)

a) Each of the facility's nursing and personal care assistants shall comply with one of the following conditions no later than 45 days

e)

THE FACILITY SHALL CERTIFY THAT EACH NURSING AND PERSONAL CARE

1) Provide documentation of registration on the Department's Nurse Aide Registry as of July 1, 1990, or later.

2) Enroll in a Basic Nursing Assistant Training Program which has been approved by the Department under its rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395) and pass the Department approved nursing assistant competency examination. The program coursework shall be successfully completed and the competency examination passed by the nursing and personal care assistant no later than 120 days after the date of initial employment, unless the training program is conducted by a community college or other educational institution on a term, semester, or trimester basis.

3) Provide documentation from another state of certification as a nursing assistant on or after January 1, 1990.

4) Provide documentation of successful completion of a nursing arts course in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school and successful completion of the Department approved nursing assistant competency examination.

5) Register for the Department's nursing assistant proficiency examination which must be successfully completed no later than 120 days after the date of initial employment.

b) Each person employed by the facility as a nursing and personal care assistant shall meet each of the following requirements:

1) BE AT LEAST 16 YEARS OF AGE, OF TEMPERATE HABITS AND GOOD MORAL CHARACTER, HONEST, RELIABLE, AND TRUSTWORTHY. (Section 3-206(a)(1) of the Act)

2) BE ABLE TO SPEAK AND UNDERSTAND THE ENGLISH LANGUAGE OR A LANGUAGE UNDERSTOOD BY A SUBSTANTIAL PERCENTAGE OF THE FACILITY'S RESIDENTS. (Section 3-206(a)(2) of the Act)

3) PROVIDE EVIDENCE OF EMPLOYMENT OR OCCUPATION, IF ANY, AND RESIDENCE FOR TWO YEARS PRIOR TO INITIAL EMPLOYMENT AS A NURSING ASSISTANT. (Section 3-206(a)(3) of the Act)

4) HAVE COMPLETED AT LEAST EIGHT YEARS OF GRADE SCHOOL OR PROVIDE PROOF OF EQUIVALENT KNOWLEDGE. (Section 3-206(a)(4) of the Act)

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d) ASSISTANT-EMPLOYED-BY-THE-FACILITY-MEETS-THE-REQUIREMENTS-OF-THIS Section. --Such-certification-shall-be-retained-by-the-facility-as part-of-the-employee's-personnel-record.---(Section-3-206(d)-and-(e) of-the-Act)

d) During-inspections-of-the-facility, the-Department-will-require NURSING-AND-PERSONAL-CARE-ASSISTANTS-TO-DEMONSTRATE-COMPETENCY-IN THE-PRINCIPLES, TECHNIQUES, AND-PROCEDURES-covered-by-the-base nursing-assistant-training-program-curriculum-described-in-the-rules governing-training-programs-for-nursing-assistants-and-aides-(77 Ill.-Adm.-Code-395);-when-possible-problems-in-the-care-provided-by-nursing-and-personal-care-assistants-or-other-evidences-of inadequate-training-are-observed;--Failure-to-demonstrate-competency of-the-principles, techniques-and-procedures-SHALL-RESULT-IN-THE PROVISION-OF-IN-SERVICE-TRAINING-TO-THE-INDIVIDUAL-BY-THE-FACILITY. The-in-service-training-shall-address-all-of-the-base-nursing assistant-training-principles, techniques-and-procedures-contained in-the-rules-governing-training-programs-for-nursing-assistants-and aides-(77-Ill.-Adm.-Code-395);---(Section-3-206(a)(5)-of-the-Act)

e) A-facility-which-conducts-a-training-program-for-nursing-and-personal care-assistants-shall-comply-with-the-applicable-provisions-of-the Department's-rules-governing-training-programs-for-nursing assistants-and-aides-(77-Ill.-Adm.-Code-395-200);

(Source: Repealed at 15 Ill. Reg. 516, effective January 1, 1991)

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

Section 330.1110 Medical Care Policies

a) The facility shall have a written program of medical services approved in writing by the advisory physician that reflects the philosophy of care provided, the policies relating to this and the procedures for implementation of the services. The program shall include the entire complex of services provided by the facility and the arrangements to effect transfer to other facilities as promptly as needed. The written program of medical services shall be followed in the operation of the facility. (B)

b) The services of a physician licensed to practice medicine in Illinois shall be available to every resident of the facility. Residents-in facilities-operated-under-bona-fide-Christian-Seneca-auspices-may be-exempt-from-this-requirement. (A, B)

c) All residents, or their guardians, shall be permitted their choice of a physician.

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d) All residents shall be seen by their physician as often as necessary to assure adequate health care. (A, B)

e) Each resident admitted shall have a complete physical examination, within five days prior to admission, or within 72 hours after admission to the facility. This examination shall include documentation of the presence or the absence of tuberculosis infection by tuberculin skin test in accordance with Section 330.1135 and an evaluation of the resident's condition and recommendations for his care including personal care needs and permission for participation in the activity program. (See Section 330.1310(c).) (B)

f) The facility shall notify the physician of any accident, injury, or unusual change in a resident's condition. (A, B)

g) At the time of an accident, immediate treatment shall be provided by personnel trained in medically approved first aid procedures. (A, B)

(Source: Amended at 15 Ill. Reg. 516, effective January 1, 1991)

Section 330.4220 Medical and Personal Care Program

a) A RESIDENT SHALL BE PERMITTED TO RETAIN THE SERVICES OF HIS OWN PERSONAL PHYSICIAN AT HIS OWN EXPENSE UNDER AN INDIVIDUAL OR GROUP PLAN OF HEALTH INSURANCE, OR UNDER ANY PUBLIC OR PRIVATE ASSISTANCE PROGRAM PROVIDING SUCH COVERAGE. (Section 2-104(a) of the Act) (B)

b) THE DEPARTMENT SHALL NOT PRESCRIBE THE COURSE OF MEDICAL TREATMENT PROVIDED TO AN INDIVIDUAL RESIDENT BY THE RESIDENT'S PHYSICIAN IN A FACILITY. (Section 2-104(a) of the Act)

c) EVERY RESIDENT SHALL BE PERMITTED TO OBTAIN FROM HIS OWN PHYSICIAN OR THE PHYSICIAN ATTACHED TO THE FACILITY COMPLETE AND CURRENT INFORMATION CONCERNING HIS MEDICAL DIAGNOSIS, TREATMENT AND PROGNOSIS IN TERMS AND LANGUAGE THE RESIDENT CAN REASONABLY BE EXPECTED TO UNDERSTAND. (Section 2-104(a) of the Act)

d) ALL RESIDENTS SHALL BE PERMITTED TO PARTICIPATE IN THE PLANNING OF THEIR TOTAL CARE AND MEDICAL TREATMENT TO THE EXTENT THAT THEIR CONDITION PERMITS. (Section 2-104(a) of the Act)

e) NO RESIDENT SHALL BE SUBJECTED TO EXPERIMENTAL RESEARCH OR TREATMENT WITHOUT FIRST OBTAINING HIS INFORMED, WRITTEN CONSENT. THE CONDUCT OF ANY EXPERIMENTAL RESEARCH OR TREATMENT SHALL BE AUTHORIZED AND MONITORED BY AN INSTITUTIONAL REVIEW COMMITTEE APPOINTED BY THE ADMINISTRATOR OF THE FACILITY WHERE SUCH RESEARCH AND TREATMENT IS CONDUCTED. (Section 2-104(a) of the Act) (A, B)

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f) ALL MEDICAL TREATMENT AND PROCEDURES SHALL BE ADMINISTERED AS ORDERED BY A PHYSICIAN. ALL NEW PHYSICIAN ORDERS SHALL BE REVIEWED BY THE FACILITY'S DIRECTOR OF NURSING OR CHARGE NURSE DESIGNED WITHIN 24 HOURS AFTER SUCH ORDERS HAVE BEEN ISSUED TO ASSURE FACILITY COMPLIANCE WITH SUCH ORDERS. (Section 2-104(b) of the Act)

g) EVERY WOMAN RESIDENT OF CHILD-BEARING AGE SHALL RECEIVE ROUTINE OBSTETRICAL AND GYNECOLOGICAL EVALUATIONS AS WELL AS NECESSARY PRENATAL CARE. (Section 2-104(b) of the Act) In addition, women residents should be referred immediately for diagnosis whenever pregnancy is suspected.

1) "Routine obstetrical evaluations" and "necessary prenatal care" shall include, as a minimum, the following:

- A) Early diagnosis of pregnancy.
- B) A comprehensive health history, including menstrual history, methods of family planning that the patient has used, a detailed record of past pregnancies, data on the current pregnancy that allow the physician to estimate the date of delivery.
- C) Identification of factors in the current pregnancy that help to identify the patient at high risk, such as maternal age, vaginal bleeding, edema, urinary infection, exposure to radiation and chemicals, ingestion of drugs and alcohol, and use of tobacco.
- D) A comprehensive physical examination, including an evaluation of nutritional status; determination of height, weight and blood pressure; examination of the head, breasts, heart, lungs, abdomen, pelvis, rectum, and extremities.
- E) The following laboratory tests, as early in pregnancy as possible. Findings obtained from the history and physical examination may determine the need for additional laboratory evaluations.
 - i) Hemoglobin or hematocrit measurement
 - ii) Urinalysis, including microscopic examination or culture
 - iii) Blood group and Rh type determination
 - iv) Antibody screen
 - v) Rubella antibody titer measurement
 - vi) Syphilis screen
 - vii) Cervical cytology
 - viii) Viral hepatitis (HBsAg) testing

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F) A risk assessment, which, based on the findings of the history and physical examination, should indicate any risk factors that may require special management, such as cardiovascular disease, maternal age less than 15 years or more than 35 years, neurologic disorder, or congenital abnormalities.

G) Return visits, the frequency of which will be determined by the patient's needs and risk factors. Generally a woman with an uncomplicated pregnancy should be seen every 4 weeks for the first 28 weeks of pregnancy, every 2-3 weeks until 36 weeks of gestation, and weekly thereafter.

H) The physical examination at each visit should include determinations of blood pressure, measured fundal height, fetal heart rate, and, in later months, fetal presentation, urinalysis for albumin and glucose. Hemoglobin or hematocrit level should be measured again early in the third trimester. Glucose screening is recommended for women who are 30 years of age or older.

I) Evaluation and monitoring of nutritional status and habits.

J) Education for health promotion and maintenance.

K) Counseling concerning exercise and childbirth education programs.

L) Postpartum review and evaluation 4-8 weeks after delivery, including determination of weight, and blood pressure and assessment of status of breasts, abdomen, and external and internal genitalia.

2) "Routine gynecological evaluations" shall include, as a minimum, the following:

- A) An initial examination, the basic components of which are:
 - i) History: any present illnesses; menstrual, reproductive, medical, surgical, emotional, social, family, and sexual history; medications; allergies; family planning; and systems review.
 - ii) Physical examination, including height, weight, nutritional status, and blood pressure; head and neck, including thyroid gland; heart; lungs; breasts; abdomen; pelvis, including external and internal genitalia; rectum; extremities, including signs of

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abuse; lymph nodes.

- iii) Laboratory tests, including urine screen; hemoglobin or hematocrit determination and, if indicated, complete blood cell count; cervical cytology; rubella titer.

B) Annual updates:

- i) History, including the purpose of the visit; menstrual history; interval history, including systems review; emotional history.

- ii) Physical examination, including weight, nutritional status and blood pressure; thyroid gland; breasts; abdomen; pelvis, including external and internal genitalia; rectum; other areas as indicated by the interval history.

- iii) Laboratory, including urine screen; cervical cytology, unless not indicated; hemoglobin or hematocrit determinations.

- iv) Additional laboratory tests, such as screening for sexually transmitted disease, should be performed as warranted by the history, physical findings, and risk factors.

C) Cancer screening:

- i) An annual Pap test for all women who are or have been sexually active or have reached age 18.

- ii) Mammography if indicated.

- 3) When a resident is referred for a diagnosis of pregnancy and/or prenatal care, the facility shall send the provider a copy of the resident's medical record, including a list of prescription medications taken by the resident; use of alcohol, tobacco and illicit drugs; or exposure to radiation or chemicals during the preceding three months.

- hf) EVERY RESIDENT SHALL BE PERMITTED TO REFUSE MEDICAL TREATMENT AND TO KNOW THE CONSEQUENCES OF SUCH ACTION, UNLESS SUCH REFUSAL WOULD BE HARMFUL TO THE HEALTH AND SAFETY OF OTHERS AND SUCH HARM IS DOCUMENTED BY A PHYSICIAN IN THE RESIDENT'S CLINICAL RECORD. (Section 2-104(c)(4) of the Act) (B)

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ig) Inspection and Copying of Records

- 1) EVERY RESIDENT, RESIDENT'S GUARDIAN, OR PARENT IF THE RESIDENT IS A MINOR SHALL BE PERMITTED TO INSPECT AND COPY ALL THE RESIDENT'S CLINICAL AND OTHER RECORDS CONCERNING THE RESIDENT'S CARE AND MAINTENANCE KEPT BY THE FACILITY OR BY THE RESIDENT'S PHYSICIAN. (Section 2-104(d) (4) of the Act)

- 2) EVERY RESIDENT'S REPRESENTATIVE SHALL BE PERMITTED TO INSPECT AND COPY THE RESIDENT'S RECORDS. A "RESIDENT'S REPRESENTATIVE" IS A PERSON, OTHER THAN THE OWNER OR AGENT OR EMPLOYEE OF A FACILITY WHO IS NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Sections 1-123 and 2-202(h) of the Act)

- jh) A RESIDENT SHALL BE PERMITTED RESPECT AND PRIVACY IN HIS MEDICAL AND PERSONAL CARE PROGRAM. EVERY RESIDENT'S CASE DISCUSSION, CONSULTATION, EXAMINATION AND TREATMENT SHALL BE CONFIDENTIAL AND SHALL BE CONDUCTED DISCREETLY, AND THOSE PERSONS NOT DIRECTLY INVOLVED IN THE RESIDENT'S CARE MUST HAVE HIS PERMISSION TO BE PRESENT. (Section 2-105 of the Act) (B)

(Source: Amended at 15 Ill. Reg. 516, effective January 1, 1991)

Section 330.4240 Abuse and Neglect

- a) AN OWNER, LICENSEE, ADMINISTRATOR, EMPLOYEE OR AGENT OF A FACILITY SHALL NOT ABUSE OR NEGLECT A RESIDENT. (Section 2-107 of the Act) (A, B)
- b) A FACILITY EMPLOYEE OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER TO THE FACILITY ADMINISTRATOR. (Section 3-610 of the Act)
- c) A FACILITY ADMINISTRATOR WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER BY TELEPHONE AND IN WRITING TO THE RESIDENT'S REPRESENTATIVE. (Section 3-610 of the Act)
- d) A FACILITY ADMINISTRATOR, EMPLOYEE, OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL ALSO REPORT THE MATTER TO THE DEPARTMENT. (Section 3-610 of the Act)
- e) EMPLOYEE AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A RESIDENT INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT AN EMPLOYEE OF A LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT EMPLOYEE SHALL IMMEDIATELY BE BARRED

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FROM ANY FURTHER CONTACT WITH RESIDENTS OF THE FACILITY, PENDING THE OUTCOME OF ANY FURTHER INVESTIGATION, PROSECUTION OR DISCIPLINARY ACTION AGAINST THE EMPLOYEE. (Section 3-611 of the Act)

- f) RESIDENT AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A RESIDENT INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT ANOTHER RESIDENT OF THE LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT RESIDENT'S CONDITION SHALL BE IMMEDIATELY EVALUATED TO DETERMINE THE MOST SUITABLE THERAPY AND PLACEMENT FOR THE RESIDENT, CONSIDERING THE SAFETY OF THAT RESIDENT AS WELL AS THE SAFETY OF OTHER RESIDENTS AND EMPLOYEES OF THE FACILITY. (Section 3-612 of the Act)

(Source: Amended at 15 Ill. Reg. 516, effective January 1, 1991)

Section 330.4260 Resident's Funds

- a) A RESIDENT SHALL BE PERMITTED TO MANAGE HIS OWN FINANCIAL AFFAIRS UNLESS HE OR HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT, AUTHORIZES THE ADMINISTRATOR OF THE FACILITY IN WRITING TO MANAGE SUCH RESIDENT'S FINANCIAL AFFAIRS UNDER SUBSECTIONS (b) THROUGH (o) OF THIS SECTION. (Section 2-102 of the Act)
- b) THE FACILITY SHALL AT THE TIME OF ADMISSION, PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN STATEMENT EXPLAINING THE RESIDENT'S RIGHTS REGARDING PERSONAL FUNDS AND LISTING THE SERVICES FOR WHICH THE RESIDENT WILL BE CHARGED, AND OBTAIN A SIGNED ACKNOWLEDGEMENT FROM EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, THAT SUCH PERSON HAS RECEIVED THE STATEMENT. (Section 2-201(1) of the Act)

- c) THE FACILITY MAY ACCEPT FUNDS FROM A RESIDENT FOR SAFEKEEPING AND MANAGING, IF IT RECEIVES WRITTEN AUTHORIZATION FROM, IN ORDER OF PRIORITY, THE RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY; SUCH AUTHORIZATION SHALL BE ATTESTED TO BY A WITNESS WHO HAS NO PECUNIARY INTEREST IN THE FACILITY OR ITS OPERATIONS, AND WHO IS NOT CONNECTED IN ANY WAY TO FACILITY PERSONNEL OR THE ADMINISTRATOR IN ANY MANNER WHATSOEVER. (Section 2-201(2) of the Act)

- d) THE FACILITY SHALL MAINTAIN AND ALLOW, IN ORDER OF PRIORITY, EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, ACCESS TO A WRITTEN RECORD OF ALL FINANCIAL ARRANGEMENTS AND TRANSACTIONS INVOLVING THE INDIVIDUAL RESIDENT'S FUNDS. (Section

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2-201(3) of the Act)

- e) THE FACILITY SHALL PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN ITEMIZED STATEMENT AT LEAST QUARTERLY, OF ALL FINANCIAL TRANSACTIONS INVOLVING THE RESIDENT'S FUNDS. (Section 2-201(4) of the Act)
- f) THE FACILITY SHALL PURCHASE A SURETY BOND TO GUARANTEE THE SECURITY OF RESIDENT'S FUNDS. (Section 2-201(5) of the Act)
- g) THE FACILITY SHALL KEEP ANY FUNDS RECEIVED FROM A RESIDENT FOR SAFEKEEPING IN AN ACCOUNT SEPARATE FROM THE FACILITY'S FUNDS, AND SHALL AT NO TIME WITHDRAW ANY PART OR ALL OF SUCH FUNDS FOR ANY PURPOSE OTHER THAN TO RETURN THE FUNDS TO THE RESIDENT UPON THE REQUEST OF THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH REQUEST, TO PAY THE RESIDENT HIS ALLOWANCE, OR TO MAKE ANY OTHER PAYMENT AUTHORIZED BY THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH AUTHORIZATION. (Section 2-201(6) of the Act)
- h) THE FACILITY SHALL DEPOSIT ANY FUNDS RECEIVED FROM A RESIDENT IN EXCESS OF \$100 IN AN INTEREST BEARING ACCOUNT INSURED BY AGENCIES OF, OR CORPORATIONS CHARTERED BY, THE STATE OR FEDERAL GOVERNMENT. THE ACCOUNT SHALL BE IN A FORM WHICH CLEARLY INDICATES THAT THE FACILITY HAS ONLY A FIDUCIARY INTEREST IN THE FUNDS AND ANY INTEREST FROM THE ACCOUNT SHALL ACCRUE TO THE RESIDENT. (Section 2-201(7) of the Act)
- i) THE FACILITY MAY KEEP UP TO \$100 OF A RESIDENT'S MONEY IN A NON-INTEREST BEARING ACCOUNT OR PETTY CASH FUND, TO BE READILY AVAILABLE FOR THE RESIDENT'S CURRENT EXPENDITURES. (Section 2-201(7) of the Act)
- j) THE FACILITY SHALL RETURN TO THE RESIDENT, OR THE PERSON WHO EXECUTED THE WRITTEN AUTHORIZATION REQUIRED IN SUBSECTION (c) OF THIS SECTION, UPON WRITTEN REQUEST, ALL OR ANY PART OF THE RESIDENT'S FUNDS GIVEN TO THE FACILITY FOR SAFEKEEPING, INCLUDING THE INTEREST ACCRUED FROM DEPOSITS. (Section 2-201(8) of the Act)
- k) THE FACILITY SHALL PLACE ANY MONTHLY ALLOWANCE TO WHICH A RESIDENT IS ENTITLED IN THAT RESIDENT'S PERSONAL ACCOUNT, OR GIVE IT TO THE RESIDENT, UNLESS THE FACILITY HAS WRITTEN AUTHORIZATION FROM THE RESIDENT OR THE RESIDENT'S GUARDIAN, OR IF THE RESIDENT IS A MINOR, HIS PARENT, TO HANDLE IT DIFFERENTLY. (Section 2-201(9) of the Act)
- l) UNLESS OTHERWISE PROVIDED BY STATE LAW, THE FACILITY SHALL UPON THE DEATH OF A RESIDENT PROVIDE THE EXECUTOR OR ADMINISTRATOR OF THE RESIDENT'S ESTATE WITH A COMPLETE ACCOUNTING OF ALL THE RESIDENT'S

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PERSONAL PROPERTY, INCLUDING ANY FUNDS OF THE RESIDENT BEING HELD BY THE FACILITY. (Section 2-201(10) of the Act)

m) IF AN ADULT RESIDENT IS INCAPABLE OF MANAGING HIS FUNDS AND DOES NOT HAVE A RESIDENT'S REPRESENTATIVE, GUARDIAN, OR AN IMMEDIATE FAMILY MEMBER THE FACILITY SHALL NOTIFY THE OFFICE OF THE STATE GUARDIAN OF THE GUARDIANSHIP AND ADVOCACY COMMISSION. (Section 2-201(11) of the Act)

n) IF THE FACILITY IS SOLD, THE SELLER SHALL PROVIDE THE BUYER WITH A WRITTEN VERIFICATION BY A PUBLIC ACCOUNTANT OF ALL RESIDENTS' MONIES AND PROPERTIES BEING TRANSFERRED, AND OBTAIN A SIGNED RECEIPT FROM THE NEW OWNER. (Section 2-201(12) of the Act)

o) THE FACILITY SHALL TAKE ALL STEPS NECESSARY TO ENSURE THAT A PERSONAL NEEDS ALLOWANCE THAT IS PLACED IN A RESIDENT'S PERSONAL ACCOUNT IS USED EXCLUSIVELY BY THE RESIDENT OR FOR THE BENEFIT OF THE RESIDENT. WHERE SUCH FUNDS ARE WITHDRAWN FROM THE RESIDENT'S PERSONAL ACCOUNT BY ANY PERSON OTHER THAN THE RESIDENT, THE FACILITY SHALL REQUIRE SUCH PERSON TO WHOM FUNDS CONSTITUTING ANY PART OF A RESIDENT'S PERSONAL NEEDS ALLOWANCE ARE RELEASED TO EXECUTE AN AFFIDAVIT THAT SUCH FUNDS SHALL BE USED EXCLUSIVELY FOR THE BENEFIT OF THE RESIDENT. (Section 2-201(9)(5) of the Act). "Personal needs allowance," for the purposes of this subsection, refers to the monthly allowance allotted by the Illinois Department of Public Aid to public aid recipients.

(Source: Amended at 15 Ill. Reg. 516, effective January 1, 1991)

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1) Heading of the Part:

Skilled Nursing and Intermediate Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 300

3) Section Numbers:

300.330
300.1010
300.3220
300.3240
300.3260

Adopted Action:

Amendments
Amendments
Amendments
Amendments

4) Statutory Authority:

Nursing Home Care Act
Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.

5) Effective Date of Rules:

January 1, 1991

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ___ No X

If "yes," please specify type: 6.02(a) ___ or 6.02(b) ___

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ___ No ___

8) Date Filed in Agency's Principal Office:

January 1, 1991

9) Date Notice(s) of Proposal was Published in Illinois Register:

June 22, 1990 - 14 Ill. Reg. 9957

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes ___ No X

If "yes," please complete the following:

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- A) Statement of Objection: _____, Ill. Reg. _____
- B) Agency Response: _____, Ill. Reg. _____
- C) Date Agency Response Submitted for Approval to the Joint Committee: _____

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 300.3220(f), a new subsection (g) is created beginning with the sentence "EVERY WOMAN RESIDENT..." leaving the first two sentences as subsection (f). A statutory reference to Section 2-104(b) of the Act is inserted at the end of subsection (f). Subsequent subsections are relettered accordingly.
2. A new Section 300.3220(g)(1)(A) is added as follows: "A) Early diagnosis of pregnancy;"
3. In Section 300.3220(g), the following is added: "In addition, women residents should be referred immediately for diagnosis whenever pregnancy is suspected."
4. Section 300.3220 (g)(1) is redrafted as follows: " 'Routine obstetrical evaluations' and 'necessary prenatal care' shall include, as a minimum, the following"; subsection (g)(2) is deleted; and subsections (g)(2)(A)-(F) are relettered as (G)-(L).
5. A new Section 300.3220 (g)(3) is added as follows:
 - 3) When a resident is referred for a diagnosis of pregnancy and/or prenatal care, the facility shall send to the provider a copy of the resident's medical record, including a list of prescription medications taken by the resident; use of alcohol, tobacco and illicit drugs; or exposure to radiation or chemicals during the preceding three months.
6. The statutory references are updated to cite the 1989 Illinois Revised Statutes.
7. In the definition of "Administrative Warning" in Section 300.330, the terms "level A" and "level B" are changed to "type A" and "type B" to correspond to the statutory definitions and the definitions in Section 300.330.

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8. In Section 300.3220(g)(1)(E), testing for viral hepatitis (HB_sAg) is added.
9. The Authority Note and Source Note are updated to reflect the adoption of a previous rulemaking, effective October 1, 1990.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

In Section 300.3220(g)(1)(E)(viii) a parenthesis was added after "viii."

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes _____ No X

- 14) Are there any other Amendments Pending on this Part? Yes _____ No X

If Yes:

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
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- 15) Summary and Purpose of Rules:

These amendments are being adopted by the Department of Public Health to implement legislation passed by the 86th General Assembly amending the Nursing Home Care Act. Related amendments to the rules governing the licensure of sheltered care facilities (77 Ill. Adm. Code 330), intermediate care facilities for persons with developmental disabilities (77 Ill. Adm. Code 350), and long-term care facilities for persons under age 22 (77 Ill. Adm. Code 390) are also being adopted.

Definition of facility: The Department is amending the definition of "Facility" in Section 300.330 to implement Public Act 86-130, which amends the Nursing Home Care Act to exempt from the definition of "Facility" any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in

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accordance with the creed or tenets of any well-recognized church or religious denomination.

Christian Science facilities: In Section 300.1010, the Department is deleting a provision stating that residents in facilities operated under bonafide Christian Science auspices may be exempt from the requirement that the services of an Illinois Licensed Physician be available to every resident of a facility. Pursuant to Public Act 86-130, such facilities are no longer required to be licensed.

Medical treatment and procedures: Section 300.3220 is being amended in accordance with an amendment to Section 2-104(b) of the Nursing Home Care Act that requires all medical treatment and procedures to be administered as ordered by a physician. All new physician orders are to be reviewed by the facility's director of nursing or charge nurse designee within 24 hours after issuance. In addition, every woman resident of child-bearing age is to receive routine obstetrical and gynecological evaluations and necessary prenatal care. Guidelines of the American College of Obstetricians and Gynecologists have been included to define more clearly what constitutes "routine obstetrical and gynecological evaluations and necessary prenatal care." These changes are necessitated by Public Act 86-1013.

Employee or resident as perpetrator of abuse: Also in accordance with Public Act 86-1013, the amendment of Section 300.3240 includes provisions concerning the perpetration of abuse by residents or employees. An employee who is the perpetrator of abuse will immediately be barred from any further contact with residents of the facility, pending the outcome of any further investigation, prosecution or disciplinary action against the employee. The condition of a resident who is the perpetrator of abuse will be evaluated to determine the most suitable therapy and placement for the resident, considering the safety of the resident as well as the safety of other residents and employees of the facility.

Personal needs allowance: The Department is amending Section 300.3260 to implement Public Act 86-486, which requires facilities to take all steps necessary to ensure that a personal needs allowance that is placed in a resident's personal account is used exclusively by the resident or for the benefit of the resident. A definition of the term "personal needs allowance" is also included.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	General Requirements
300.110	Application for License
300.120	Licensee
300.130	Issuance of an Initial License for a New Facility
300.140	Issuance of an Initial License Due to a Change of Ownership
300.150	Issuance of a Renewal License
300.160	Criteria for Adverse Licensure Actions
300.165	Denial of Initial License
300.170	Denial of Renewal of License
300.175	Revocation of License
300.180	Experimental Program Conflicting With Requirements
300.190	Inspections, Surveys, Evaluations and Consultation
300.200	Filing an Annual Attested Financial Statement
300.210	Information to Be Made Available to the Public By the Department
300.220	Information to Be Made Available to the Public By the Licensee
300.230	Municipal Licensing
300.240	Ownership Disclosure
300.250	Issuance of Conditional Licenses
300.260	Monitor and Receivership
300.270	Determination to Issue a Notice of Violation or Administrative Warning
300.272	Determination of the Level of a Violation
300.274	Notice of Violation
300.276	Administrative Warning
300.277	Plans of Correction
300.278	Reports of Correction
300.280	Conditions for Assessment of Penalties
300.282	Calculation of Penalties
300.284	Determination to Assess Penalties
300.286	Reduction or Waiver of Penalties
300.288	Quarterly List of Violators
300.290	Alcoholism Treatment Programs In Long-Term Care Facilities
300.300	Department May Survey Facilities Formerly Licensed
300.310	Waivers
300.320	Definitions
300.330	Incorporated and Referenced Materials
300.340	

SUBPART B: ADMINISTRATION

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300.510 Administrator

SUBPART C: POLICIES

- 300.610 Resident Care Policies
- 300.620 Admission and Discharge Policies
- 300.630 Contract Between Resident and Facility
- 300.640 Residents' Advisory Council
- 300.650 Personnel Policies
- 300.655 Initial Health Evaluation for Employees
- 300.660 Nursing Assistants
- 300.665 Student Interns
- 300.670 Disaster Preparedness
- 300.680 Restraints and Safety Devices
- 300.690 Serious Incidents and Accidents

SUBPART D: PERSONNEL

- 300.810 General
- 300.820 Categories of Personnel
- 300.830 Consultation Services
- 300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

- 300.1010 Medical Care Policies
- 300.1020 Communicable Disease Policies
- 300.1025 Tuberculin Skin Test Procedures
- 300.1030 Medical Emergencies
- 300.1040 Behavior Emergencies
- 300.1050 Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

- 300.1210 General Requirements for Nursing and Personal Care
- 300.1220 Supervision of Nursing Services
- 300.1230 Staffing
- 300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

- 300.1410 Activity Program
- 300.1420 Specialized Rehabilitation Services
- 300.1430 Work Programs

SUBPART H: MEDICATIONS

- 300.1610 Medication Policies and Procedures

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- 300.1620 Conformance With Physician's Orders
- 300.1630 Administration of Medication
- 300.1640 Labeling and Storage of Medications
- 300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

- 300.1810 Resident Record Requirements
- 300.1820 Content of Medical Records
- 300.1830 Records Pertaining to Residents' Property
- 300.1840 Retention and Transfer of Resident Records
- 300.1850 Other Resident Record Requirements
- 300.1860 Staff Responsibility for Medical Records
- 300.1870 Retention of Facility Records
- 300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

- 300.2010 Director of Food Services
- 300.2020 Dietary Staff in Addition to Director of Food Services
- 300.2030 Hygiene of Dietary Staff
- 300.2040 Diet Orders
- 300.2050 Adequacy of Diet and Meal Pattern
- 300.2060 Therapeutic Diets
- 300.2070 Scheduling Meals
- 300.2080 Menu Planning
- 300.2090 Food Preparation and Service
- 300.2100 Food Handling Sanitation
- 300.2110 Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

- 300.2210 Maintenance
- 300.2220 Housekeeping
- 300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

- 300.2410 Furnishings
- 300.2420 Equipment and Supplies
- 300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

- 300.2610 Codes
- 300.2620 Water Supply
- 300.2630 Sewage Disposal
- 300.2640 Plumbing

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SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

300.2810 Applicability of these Standards
300.2820 Codes and Standards
300.2830 Preparation of Drawings and Specifications
300.2840 Site
300.2850 Administration and Public Areas
300.2860 Nursing Unit
300.2870 Dining, Living, Activities Rooms
300.2880 Therapy and Personal Care
300.2890 Service Departments
300.2900 General Building Requirements
300.2910 Structural
300.2920 Mechanical Systems
300.2930 Plumbing Systems
300.2940 Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

300.3010 Applicability
300.3020 Codes and Standards
300.3030 Preparation of Drawings and Specifications
300.3040 Site
300.3050 Administration and Public Areas
300.3060 Nursing Unit
300.3070 Living, Dining, Activities Rooms
300.3080 Treatment and Personal Care
300.3090 Service Departments
300.3100 General Building Requirements
300.3110 Structural
300.3120 Mechanical Systems
300.3130 Plumbing Systems
300.3140 Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

300.3210 General
300.3220 Medical and Personal Care Program
300.3230 Restraints
300.3240 Abuse and Neglect
300.3250 Communication and Visitation
300.3260 Resident's Funds
300.3270 Residents' Advisory Council
300.3280 Contract With Facility
300.3290 Private Right of Action
300.3300 Transfer or Discharge

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300.3310 Complaint Procedures
300.3320 Confidentiality
300.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

300.3410 Application of Other Divisions of These Minimum Standards, Rules and Regulations
300.3420 Administrator
300.3430 Policies
300.3440 Personnel
300.3450 Resident Living Services Medical and Dental Care
300.3460 Resident Services Program
300.3470 Psychological Services
300.3480 Social Services
300.3490 Recreational and Activities Services
300.3500 Individual Treatment Plan
300.3510 Health Services
300.3520 Medical Services
300.3530 Dental Services
300.3540 Optometric Services
300.3550 Audiometric Services
300.3560 Podiatric Services
300.3570 Occupational Therapy Services
300.3580 Nursing and Personal Care
300.3590 Resident Care Services
300.3600 Record Keeping
300.3610 Food Service
300.3620 Furnishings, Equipment and Supplies (New and Existing Facilities)
300.3630 Design and Construction Standards (New and Existing Facilities)

SUBPART R: DAYCARE PROGRAMS

300.3710 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities
APPENDIX B Classification of Distinct Part of a Facility for Different Levels of Service
APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights
APPENDIX D Forms for Day Care in Long-Term Care Facilities
APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation

TABLE A Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities

TABLE B Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities

TABLE C Construction Types and Sprinkler Requirements for Existing Skilled

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Nursing Facilities/Intermediate Care Facilities

TABLE D Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (111. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.).

SOURCE: Emergency rules adopted at 4 111. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 111. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 111. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 111. Reg. 5981, effective May 3, 1982; amended at 6 111. Reg. 6454, effective May 14, 1982; amended at 6 111. Reg. 8198, effective June 29, 1982; amended at 6 111. Reg. 11631, effective September 14, 1982; amended at 6 111. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 111. Reg. 14684, effective November 15, 1982; amended at 7 111. Reg. 285, effective December 22, 1982; amended at 7 111. Reg. 1972, effective January 28, 1983; amended at 7 111. Reg. 8579, effective July 11, 1983; amended at 7 111. Reg. 15831, effective November 10, 1983; amended at 7 111. Reg. 15864, effective November 15, 1983; amended at 7 111. Reg. 15992, effective December 14, 1983; amended at 8 111. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 111. Reg. 15947, effective August 17, 1984; amended at 8 111. Reg. 15999, effective September 5, 1984; codified at 8 111. Reg. 19766; amended at 8 111. Reg. 24186, effective November 29, 1984; amended at 8 111. Reg. 24668, effective December 7, 1984; amended at 8 111. Reg. 25102, effective December 14, 1984; amended at 9 111. Reg. 132, effective December 26, 1984; amended at 9 111. Reg. 4087, effective March 15, 1985; amended at 9 111. Reg. 11049, effective July 1, 1985; amended at 11 111. Reg. 16927, effective October 1, 1987; amended at 12 111. Reg. 1052, effective December 24, 1987; amended at 12 111. Reg. 16811, effective October 1, 1988; emergency amendment at 12 111. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 111. Reg. 4684, effective March 24, 1989; amended at 13 111. Reg. 5134, effective April 1, 1989; amended at 13 111. Reg. 20089, effective December 1, 1989; amended at 14 111. Reg. 14950, effective October 1, 1990; amended at 15 111. Reg. 554, effective January 1, 1991.

NOTE: Italics and capitalization denote statutory language.

Section 300.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 1-103 of the Act)

ACCESS - THE RIGHT TO:

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ENTER ANY FACILITY:

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (111. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.; as amended by Public Act 86-968, effective December 9, 1987; Public Act 86-1183, effective August 13, 1988; and Public Act 86-1378, effective September 1, 1988).

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 300.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type level A or type level B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

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Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

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Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; Mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees

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to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 2301 et seq.).

Department - as used in this Part means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disability - a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairments;

is manifest before age 22;

is likely to continue indefinitely;

results in substantial functional limitations in three or more of the following areas of major life activities:

self-care;

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receptive and expressive language; learning;

mobility;

self-direction;

capacity for independent living; and

economic self-sufficiency; and

reflects the person's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Care Aide - Any person who provides nursing care, personal care or psychosocial support to residents of Specialized living

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Facilities, regardless of title, and who is not a Qualified Professional, as defined in these rules. Director Care Aides must function under the supervision of a licensed nurse when performing nursing or personal care duties.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE.
(Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY.
(Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any

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other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part, is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in these minimum Standards.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO THE COUNTY HOME ACT (111. Rev. Stat. 19897, ch. 53, par. 61 et seq.), AS NOW OR HEREAFTER AMENDED, OR BY A COUNTY PURSUANT TO "AN ACT IN RELATION TO HOMES FOR THE AGED" (111. Rev. Stat. 19897, ch. 34, par. 351 et seq.) AS NOW OR HEREAFTER AMENDED, OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

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A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION AS ORGANIZED FACILITIES THEREFOR, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 142 et seq.) AS NOW OR HEREAFTER AMENDED; OR

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (Ill. Rev. Stat. 1989, ch. 23, par. 2211 et seq.) AS NOW OR HEREAFTER AMENDED; OR ~~---~~(Section 1-113-of-the-Act)

ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY. (Section 1-113 of the Act)

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

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GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE PROBATE ACT OF 1975 (Ill. Rev. Stat. 1989, ch. 110 1/2, par. 1-1 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not for profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986, as heretofore or hereafter amended (Ill. Rev. Stat. 1989, ch. 32, par. 101.01 et seq.); or, by a county pursuant to "AN ACT in relation to homes for the aged", as heretofore or hereafter amended (Ill. Rev. Stat. 1989, ch. 34, par. 3561 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of

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the Life Safety Code, National Fire Protection Association (1967 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF-DD's) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act (111. Rev. Stat. 1989, ch. 111, par. 3651 et seq.), as now or hereafter amended.

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the

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resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (111. Rev. Stat. 1989, ch. 111, par. 3501 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician.

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Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable distinct part of a facility consisting of all the beds within the distinct part, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 3701 et seq.).

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of

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the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4121 et seq.).

Physical Therapy Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1987, ch. 111, par. 4251 et seq.).

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.).

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Program Unit - a resident care unit in Specialized Living Facilities equivalent to a nursing unit in Skilled Nursing facilities as defined in this Part.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of

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mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat., 1987, ch. 111, par. 3501 et seq.).

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the

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applicant, or manager, or supervisor of the facility is not reputable.
RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails, geriatric or adaptive chairs, a wide band, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions or recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of

the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 6351 et seq., as amended by Public Act 86-1131, effective July 21, 1988); and

is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and

has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 300.280(q)(8), 300.280(k)(2) and 300.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 300.180(b)(1) and 300.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in regulations, the supervisor must be on the premises if the person does not meet assistant level (two year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED

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THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 15 Ill. Reg. ____554____, effective January 1, 1991)

Section 300.1010 Medical Care Policies

a) Advisory Physician or Medical Advisory Committee

1) There shall be an advisory physician, or a medical advisory committee composed of physicians, who shall be responsible for advising the administrator on the overall medical management of the residents and the staff of the facility. If the facility employs a house physician, he may be the advisory physician. (B)

2) Additional for Skilled Nursing Facilities. There shall be a medical advisory committee composed of two or more physicians who shall be responsible for advising the administrator on the overall medical management of the residents and the staff in the facility. If the facility employs a house physician, the house physician may be one member of this committee.

b) The facility shall have and follow a written program of medical services which sets forth the following: the philosophy of care and policies and procedures to implement it; the structure and function of the medical advisory committee, if the facility has one; the health services provided; arrangements for transfer when medically indicated; and procedures for securing the cooperation of residents' personal physicians. The medical program shall be approved in writing by the advisory physician or the medical advisory committee. (B)

c) Every resident shall be under the care of a physician. Residents in facilities operated under bond of de-Christian-Science-auspices may

DEPARTMENT OF PUBLIC HEALTH

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~~be exempt from this requirement:~~

d) All residents, or their guardians, shall be permitted their choice of a physician.

e) All residents shall be seen by their physician as often as necessary to assure adequate health care. (Medicare/Medicaid requires certification visits.)

f) Physician treatment plans, orders and similar documentation shall have an original written signature of the physician. A stamp signature, with or without initials, is not sufficient.

g) Each resident admitted shall have a physical examination, within five days prior to admission or within 72 hours after admission. The examination report shall include at a minimum each of the following:

1) An evaluation of the resident's condition, including height and weight, diagnoses, plan of treatment, recommendations, treatment orders, personal care needs, and permission for participation in activity programs as appropriate.

2) Documentation of the presence or absence of tuberculosis infection by tuberculin skin test in accordance with Section 300.1025.

3) Documentation of the presence or absence of incipient or manifest decubitus ulcers (commonly known as bed sores), with grade, size and location specified, and orders for treatment, if present. (A photograph of incipient or manifest decubitus ulcers is recommended on admission.)

3) Orders from the physician regarding weighing of the resident, and the frequency of such weighing, if ordered.

h) The facility shall notify the resident's physician of any accident, injury, or significant change in a resident's condition that threatens the health, safety or welfare of a resident, including, but not limited to, the presence of incipient or manifest decubitus ulcers or a weight loss or gain of five percent or more within a period of 30 days. The facility shall obtain and record the physician's plan of care for the care or treatment of such accident, injury or change in condition at the time of notification. (B)

i) At the time of an accident or injury, immediate treatment shall be provided by personnel trained in first aid procedures. (B)

(Source: Amended at 15 Ill. Reg. ____554____, effective January 1, 1991)

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Section 300.3220 Medical and Personal Care Program

- a) A RESIDENT SHALL BE PERMITTED TO RETAIN THE SERVICES OF HIS OWN PERSONAL PHYSICIAN AT HIS OWN EXPENSE UNDER AN INDIVIDUAL OR GROUP PLAN OF HEALTH INSURANCE, OR UNDER ANY PUBLIC OR PRIVATE ASSISTANCE PROGRAM PROVIDING SUCH COVERAGE. (B) (Section 2-104(a) of the Act)
- b) THE DEPARTMENT SHALL NOT PRESCRIBE THE COURSE OF MEDICAL TREATMENT PROVIDED TO AN INDIVIDUAL RESIDENT BY THE RESIDENT'S PHYSICIAN IN A FACILITY. (Section 2-104(a) of the Act)
- c) ALL RESIDENTS SHALL BE PERMITTED TO OBTAIN FROM THEIR OWN PHYSICIAN OR THE PHYSICIAN ATTACHED TO THE FACILITY COMPLETE AND CURRENT INFORMATION CONCERNING HIS MEDICAL DIAGNOSIS, TREATMENT AND PROGNOSIS IN TERMS AND LANGUAGE THE RESIDENT CAN REASONABLY BE EXPECTED TO UNDERSTAND. (Section 2-104(a) of the Act)
- d) ALL RESIDENTS SHALL BE PERMITTED TO PARTICIPATE IN THE PLANNING OF THEIR TOTAL CARE AND MEDICAL TREATMENT TO THE EXTENT THAT THEIR CONDITION PERMITS. (Section 2-104(a) of the Act)

e) NO RESIDENT SHALL BE SUBJECTED TO EXPERIMENTAL RESEARCH OR TREATMENT WITHOUT FIRST OBTAINING HIS INFORMED, WRITTEN CONSENT. THE CONDUCT OF ANY EXPERIMENTAL RESEARCH OR TREATMENT SHALL BE AUTHORIZED AND MONITORED BY AN INSTITUTIONAL REVIEW COMMITTEE APPOINTED BY THE ADMINISTRATOR OF THE FACILITY WHERE SUCH RESEARCH AND TREATMENT IS CONDUCTED. (A, B) (Section 2-104(a) of the Act)

f) ALL MEDICAL TREATMENT AND PROCEDURES SHALL BE ADMINISTERED AS ORDERED BY A PHYSICIAN. ALL NEW PHYSICIAN ORDERS SHALL BE REVIEWED BY THE FACILITY'S DIRECTOR OF NURSING OR CHARGE NURSE DESIGNEE WITHIN 24 HOURS AFTER SUCH ORDERS HAVE BEEN ISSUED TO ASSURE FACILITY COMPLIANCE WITH SUCH ORDERS. (Section 2-104(b) of the Act)

g) EVERY WOMAN RESIDENT OF CHILD-BEARING AGE SHALL RECEIVE ROUTINE OBSTETRICAL AND GYNECOLOGICAL EVALUATIONS AS WELL AS NECESSARY PRENATAL CARE. (Section 2-104(b) of the Act) In addition, women residents should be referred immediately for diagnosis whenever pregnancy is suspected.

1) "Routine obstetrical evaluations" and "necessary prenatal care" shall include, as a minimum, the following:

- A) Early diagnosis of pregnancy.
- B) A comprehensive health history, including menstrual history, data on the current pregnancy that allow the physician to estimate the date of delivery.

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- C) Identification of factors in the current pregnancy that help to identify the patient at high risk, such as maternal age, vaginal bleeding, edema, urinary infection, exposure to radiation and chemicals, ingestion of drugs and alcohol, and use of tobacco.
- D) A comprehensive physical examination, including an evaluation of nutritional status; determination of height, weight and blood pressure; examination of the head, breasts, heart, lungs, abdomen, pelvis, rectum, and extremities.
- E) The following laboratory tests, as early in pregnancy as possible. Findings obtained from the history and physical examination may determine the need for additional laboratory evaluations.

- i) Hemoglobin or hematocrit measurement
- ii) Urinalysis, including microscopic examination or culture
- iii) Blood group and Rh type determination
- iv) Antibody screen
- v) Rubella antibody titer measurement
- vi) Syphilis screen
- vii) Cervical cytology
- viii) Viral hepatitis (HBsAg) testing

F) A risk assessment, which, based on the findings of the history and physical examination, should indicate any risk factors that may require special management, such as cardiovascular disease, maternal age less than 15 years or more than 35 years, neurologic disorder, or congenital abnormalities.

G) Return visits, the frequency of which will be determined by the patient's needs and risk factors. Generally a woman with an uncomplicated pregnancy should be seen every 4 weeks for the first 28 weeks of pregnancy, every 2-3 weeks until 36 weeks of gestation, and weekly thereafter.

H) The physical examination at each visit should include determinations of blood pressure, measured fundal height, fetal heart rate, and, in later months, fetal presentation, and urinalysis for albumin and glucose. Hemoglobin or hematocrit level should be measured again early in the third trimester. Glucose screening is recommended for women who are 30 years of age or older.

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I) Evaluation and monitoring of nutritional status and habits.

J) Education for health promotion and maintenance.

K) Counseling concerning exercise and child birth education programs.

L) Postpartum review and evaluation 4-8 weeks after delivery, including determination of weight and blood pressure and assessment of status of breasts, abdomen, and external and internal genitalia.

2) "Routine gynecological evaluations" shall include, as a minimum, the following:

A) An initial examination, the basic components of which are:

i) History: any present illnesses; menstrual, reproductive, medical, surgical, emotional, social, family, and sexual history; medications; allergies; family planning; and systems review.

ii) Physical examination, including height, weight, nutritional status, and blood pressure; head and neck, including thyroid gland; heart; lungs; breasts; abdomen; pelvis, including external and internal genitalia; rectum; extremities, including signs of abuse; lymph nodes.

iii) Laboratory tests, including urine screen; hemoglobin or hematocrit determination and, if indicated, complete blood cell count; cervical cytology; rubella titer.

B) Annual updates:

i) History, including the purpose of the visit; menstrual history; interval history, including systems review; emotional history.

ii) Physical examination, including weight, nutritional status and blood pressure; thyroid gland; breasts; abdomen; pelvis, including external and internal genitalia; rectum; other areas as indicated by the interval history.

iii) Laboratory, including urine screen; cervical cytology, unless not indicated; hemoglobin or hematocrit

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determinations.

iv) Additional laboratory tests, such as screening for sexually transmitted disease, should be performed as warranted by the history, physical findings, and risk factors.

C) Cancer screening:

i) An annual Pap test for all women who are or have been sexually active or have reached age 18.

ii) Mammography if indicated.

3) When a resident is referred for a diagnosis of pregnancy and/or prenatal care, the facility shall send the provider a copy of the resident's medical record, including a list of prescription medications taken by the resident; use of alcohol, tobacco and illicit drugs; or exposure to radiation or chemicals during the preceding three months.

hf) EVERY RESIDENT SHALL BE PERMITTED TO REFUSE MEDICAL TREATMENT AND TO KNOW THE CONSEQUENCES OF SUCH ACTION, UNLESS SUCH REFUSAL WOULD BE HARMFUL TO THE HEALTH AND SAFETY OF OTHERS AND SUCH HARM IS DOCUMENTED BY A PHYSICIAN IN THE RESIDENT'S CLINICAL RECORD. (8) (Section 2-104(c)(b) of the Act)

ig) Inspection and Copying of Records

1) EVERY RESIDENT, RESIDENT'S GUARDIAN, OR PARENT (IF THE RESIDENT IS A MINOR) SHALL BE PERMITTED TO INSPECT AND COPY ALL OF THE RESIDENT'S CLINICAL AND OTHER RECORDS CONCERNING THE RESIDENT'S CARE AND MAINTENANCE KEPT BY THE FACILITY OR BY THE RESIDENT'S PHYSICIAN. (Section 2-104(d)(e) of the Act)

2) EVERY RESIDENT'S REPRESENTATIVE SHALL BE PERMITTED TO INSPECT AND COPY THE RESIDENT'S RECORDS. A "RESIDENT'S REPRESENTATIVE" IS A PERSON, OTHER THAN THE OWNER OR AGENT OR EMPLOYEE OF A FACILITY WHO IS NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Sections 1-123 and 2-202(h) of the Act)

jh) ALL RESIDENTS SHALL BE PERMITTED RESPECT AND PRIVACY IN THEIR MEDICAL AND PERSONAL CARE PROGRAM. EVERY RESIDENT'S CASE DISCUSSION, CONSULTATION, EXAMINATION AND TREATMENT SHALL BE CONFIDENTIAL AND SHALL BE CONDUCTED DISCREETLY, AND THOSE PERSONS NOT DIRECTLY

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INVOLVED IN THE RESIDENT'S CARE MUST HAVE THE RESIDENT'S PERMISSION TO BE PRESENT. (b) (Section 2-105 of the Act)

(Source: Amended at 15 Ill. Reg. 554, effective January 1, 1991)

Section 300.3240 Abuse and Neglect

- a) AN OWNER, LICENSEE, ADMINISTRATOR, EMPLOYEE OR AGENT OF A FACILITY SHALL NOT ABUSE OR NEGLECT A RESIDENT. (A, B) (Section 2-107 of the Act)
- b) A FACILITY EMPLOYEE OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER TO THE FACILITY ADMINISTRATOR. (Section 3-610 of the Act)
- c) A FACILITY ADMINISTRATOR WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER BY TELEPHONE AND IN WRITING TO THE RESIDENT'S REPRESENTATIVE. (Section 3-610 of the Act)
- d) A FACILITY ADMINISTRATOR, EMPLOYEE, OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL ALSO REPORT THE MATTER TO THE DEPARTMENT. (Section 3-610 of the Act)

e) EMPLOYEE AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A RESIDENT INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT AN EMPLOYEE OF A LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT EMPLOYEE SHALL IMMEDIATELY BE BARRED FROM ANY FURTHER CONTACT WITH RESIDENTS OF THE FACILITY, PENDING THE OUTCOME OF ANY FURTHER INVESTIGATION, PROSECUTION OR DISCIPLINARY ACTION AGAINST THE EMPLOYEE. (Section 3-611 of the Act)

f) RESIDENT AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A RESIDENT INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT ANOTHER RESIDENT OF THE LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT RESIDENT'S CONDITION SHALL BE IMMEDIATELY EVALUATED TO DETERMINE THE MOST SUITABLE THERAPY AND PLACEMENT FOR THE RESIDENT, CONSIDERING THE SAFETY OF THAT RESIDENT AS WELL AS THE SAFETY OF OTHER RESIDENTS AND EMPLOYEES OF THE FACILITY. (Section 3-612 of the Act)

(Source: Amended at 14 Ill. Reg. 554, effective January 1, 1991)

Section 300.3260 Resident's Funds

- a) A RESIDENT SHALL BE PERMITTED TO MANAGE HIS OWN FINANCIAL AFFAIRS UNLESS HE OR HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT, AUTHORIZES THE ADMINISTRATOR OF THE FACILITY IN WRITING TO MANAGE SUCH RESIDENT'S FINANCIAL AFFAIRS UNDER SUBSECTIONS (b) THROUGH

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(o) OF THIS SECTION. (Section 2-102 of the Act)

- b) THE FACILITY SHALL AT THE TIME OF ADMISSION, PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN STATEMENT EXPLAINING THE RESIDENT'S RIGHTS REGARDING PERSONAL FUNDS AND LISTING THE SERVICES FOR WHICH THE RESIDENT WILL BE CHARGED, AND OBTAIN A SIGNED ACKNOWLEDGMENT FROM EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, THAT SUCH PERSON HAS RECEIVED THE STATEMENT. (Section 2-201(1) of the Act)
- c) THE FACILITY MAY ACCEPT FUNDS FROM A RESIDENT FOR SAFEKEEPING AND MANAGING, IF IT RECEIVES WRITTEN AUTHORIZATION FROM, IN ORDER OF PRIORITY, THE RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY; SUCH AUTHORIZATION SHALL BE ATTESTED TO BY A WITNESS WHO HAS NO PECUNIARY INTEREST IN THE FACILITY OR ITS OPERATIONS, AND WHO IS NOT CONNECTED IN ANY WAY TO FACILITY PERSONNEL OR THE ADMINISTRATOR IN ANY MANNER WHATSOEVER. (Section 2-201(2) of the Act)
- d) THE FACILITY SHALL MAINTAIN AND ALLOW, IN ORDER OF PRIORITY, EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, ACCESS TO A WRITTEN RECORD OF ALL FINANCIAL ARRANGEMENTS AND TRANSACTIONS INVOLVING THE INDIVIDUAL RESIDENT'S FUNDS. (Section 2-201(3) of the Act)
- e) THE FACILITY SHALL PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN ITEMIZED STATEMENT AT LEAST QUARTERLY, OF ALL FINANCIAL TRANSACTIONS INVOLVING THE RESIDENT'S FUNDS. (Section 2-201(4) of the Act)
- f) THE FACILITY SHALL PURCHASE A SURETY BOND TO GUARANTEE THE SECURITY OF RESIDENT'S FUNDS. (Section 2-201(5) of the Act)
- g) THE FACILITY SHALL KEEP ANY FUNDS RECEIVED FROM A RESIDENT FOR SAFEKEEPING IN AN ACCOUNT SEPARATE FROM THE FACILITY'S FUNDS, AND SHALL AT NO TIME WITHDRAW ANY PART OR ALL OF SUCH FUNDS FOR ANY PURPOSE OTHER THAN TO RETURN THE FUNDS TO THE RESIDENT UPON THE REQUEST OF THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH REQUEST, TO PAY THE RESIDENT HIS ALLOWANCE, OR TO MAKE ANY OTHER PAYMENT AUTHORIZED BY THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH AUTHORIZATION. (Section 2-201(6) of the Act)

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- h) THE FACILITY SHALL DEPOSIT ANY FUNDS RECEIVED FROM A RESIDENT IN EXCESS OF \$100 IN AN INTEREST BEARING ACCOUNT INSURED BY AGENCIES OF, OR CORPORATIONS CHARTERED BY, THE STATE OR FEDERAL GOVERNMENT. THE ACCOUNT SHALL BE IN A FORM WHICH CLEARLY INDICATES THAT THE FACILITY HAS ONLY A FIDUCIARY INTEREST IN THE FUNDS AND ANY INTEREST FROM THE ACCOUNT SHALL ACCRUE TO THE RESIDENT. (Section 2-201(7) of the Act)
- i) THE FACILITY MAY KEEP UP TO \$100 OF A RESIDENT'S MONEY IN A NON-INTEREST BEARING ACCOUNT OR PETTY CASH FUND, TO BE READILY AVAILABLE FOR THE RESIDENT'S CURRENT EXPENDITURES. (Section 2-201(7) of the Act)

j) THE FACILITY SHALL RETURN TO THE RESIDENT, OR THE PERSON WHO EXECUTED THE WRITTEN AUTHORIZATION REQUIRED IN SUBSECTION (c) OF THIS SECTION, UPON WRITTEN REQUEST, ALL OR ANY PART OF THE RESIDENT'S FUNDS GIVEN THE FACILITY FOR SAFEKEEPING, INCLUDING THE INTEREST ACCRUED FROM DEPOSITS. (Section 2-201(3) of the Act)

k) THE FACILITY SHALL PLACE ANY MONTHLY ALLOWANCE TO WHICH A RESIDENT IS ENTITLED IN THAT RESIDENT'S PERSONAL ACCOUNT, OR GIVE IT TO THE RESIDENT, UNLESS THE FACILITY HAS WRITTEN AUTHORIZATION FROM THE RESIDENT OR THE RESIDENT'S GUARDIAN, OR IF THE RESIDENT IS A MINOR, HIS PARENT, TO HANDLE IT DIFFERENTLY. (Section 2-201(9) of the Act)

l) UNLESS OTHERWISE PROVIDED BY STATE LAW, THE FACILITY SHALL UPON THE DEATH OF A RESIDENT PROVIDE THE EXECUTOR OR ADMINISTRATOR OF THE RESIDENT'S ESTATE WITH A COMPLETE ACCOUNTING OF ALL THE RESIDENT'S PERSONAL PROPERTY, INCLUDING ANY FUNDS OF THE RESIDENT BEING HELD BY THE FACILITY. (Section 2-201(10) of the Act)

m) IF AN ADULT RESIDENT IS INCAPABLE OF MANAGING HIS FUNDS AND DOES NOT HAVE A RESIDENT'S REPRESENTATIVE GUARDIAN, OR AN IMMEDIATE FAMILY MEMBER, THE FACILITY SHALL NOTIFY THE OFFICE OF THE STATE GUARDIAN OF THE GUARDIANSHIP AND ADVOCACY COMMISSION. (Section 2-201(11) of the Act)

n) IF THE FACILITY IS SOLD, THE SELLER SHALL PROVIDE THE BUYER WITH A WRITTEN VERIFICATION BY A PUBLIC ACCOUNTANT OF ALL RESIDENTS' MONIES AND PROPERTIES BEING TRANSFERRED, AND OBTAIN A SIGNED RECEIPT FROM THE NEW OWNER. (Section 2-201(12) of the Act)

o) THE FACILITY SHALL TAKE ALL STEPS NECESSARY TO ENSURE THAT A PERSONAL NEEDS ALLOWANCE THAT IS PLACED IN A RESIDENT'S PERSONAL ACCOUNT IS USED EXCLUSIVELY BY THE RESIDENT OR FOR THE BENEFIT OF THE RESIDENT. WHERE SUCH FUNDS ARE WITHDRAWN FROM THE RESIDENT'S PERSONAL ACCOUNT BY ANY PERSON OTHER THAN THE RESIDENT, THE FACILITY SHALL REQUIRE SUCH PERSON TO WHOM FUNDS CONSTITUTING ANY PART OF A RESIDENT'S PERSONAL NEEDS ALLOWANCE ARE RELEASED TO EXECUTE AN AFFIDAVIT THAT

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SUCH FUNDS SHALL BE USED EXCLUSIVELY FOR THE BENEFIT OF THE RESIDENT. (Section 2-201(9)(6) of the Act) ~~Personal needs allowance, for the purposes of this subsection, refers to the monthly allowance allotted by the Illinois Department of Public Aid to public aid recipients.~~

(Source: Amended at 15 Ill. Reg. 554, effective January 1, 1991)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Pari-Mutuels
- 2) Code Citation 11 Ill. Adm. Code 405
- 3) Section Number: 405.170
Adopted Action: Repealed
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8, par 37-9(b)
- 5) Effective Date of Rules: January 3, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office:
- 9) Notice of Proposal Published in Illinois Register:
14 Ill. Reg. 8957 - June 8, 1990
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)?
No.
- 11) Differences between proposal and final version: No changes have been made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part?
405.250 - 14 Ill. Reg. 12389 - 8/3/90
- 15) Summary and purpose of rules: This repeal will eliminate the limitations on Multiple Wagering Pools.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.413
Emergency Action: Amendment
- 4) Statutory Authority: Sections 5-5.1 et seq. and 12-11 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-11)
- 5) Effective Date of Emergency Amendment: January 1, 1991
- 6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed in Agency's Principal Office: January 1, 1991
- 8) Reason for Emergency: The Department has determined that the health, safety and welfare of persons in need of medical assistance would be adversely affected in the absence of the policies implemented through this rulemaking.
- 9) A Complete Description of the Subjects and Issues Involved: This rulemaking provides for payment to providers for mammograms.
- 10) Are there any proposed amendments pending to this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.17	Amendment	November 30, 1990 (14 Ill. Reg. 18982)
140.71	Amendment	December 21, 1990 (14 Ill. Reg. 20170)
140.457	Amendment	December 21, 1990 914 Ill. Reg. 20170)
140.458	Amendment	December 21, 1990 (14 Ill. Reg. 20170)
140.459	Amendment	December 21, 1990 (14 Ill. Reg. 20170)

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NOTICE OF EMERGENCY AMENDMENT

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.490	Amendment	December 7, 1990 (14 Ill. Reg. 19132)
140.523	Amendment	September 14, 1990 (14 Ill. Reg. 14681)
140.850	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.855	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.860	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.865	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.870	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.875	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.880	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.885	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.890	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140.895	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140. Table K	New Section	December 14, 1990 (14 Ill. Reg. 19592)
140. Table L	New Section	December 14, 1990 (14 Ill. Reg. 19592)

11) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

12) Information and questions regarding these Emergency Amendment shall be directed to:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Name: Daniel Leikvold, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Emergency Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section	
140.1	Incorporation By Reference
140.2	Medical Assistance Programs
140.3	Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
140.4	Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5	Covered Medical Services Under GA and AMI
140.6	Medical Services Not Covered
140.7	Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Six
140.8	Medical Assistance For Qualified Severely Impaired Individuals
140.9	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10	Medical Assistance Provided to Incarcerated Persons
	SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL
Section	
140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

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Section	
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring Submittal of Claims
140.20	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.21	Magnetic Tape Billings
140.22	Payment of Claims
140.23	Payment Procedures
140.24	Overpayment or Underpayment of Claims
140.25	Payment to Factors Prohibited
140.26	Assignment of Vendor Payments
140.27	Record Requirements for Medical Providers
140.28	Audits
140.30	False Reporting and Other Fraudulent Activities
140.35	Prior Approval for Medical Services or Items
140.40	Prior Approval in Cases of Emergency
140.41	Limitation on Prior Approval
140.42	Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.43	Drug Manual (Recodified)
140.71	Drug Manual (Recodified)
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)

SUBPART C: HOSPITAL SERVICES

Section	
140.94	Hospital Services (Recodified)
140.95	Participation (Recodified)
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
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TABLE D

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AUTHORITY: Implementing Article III of the Illinois Health
Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par.
6503-1 et seq.) and implementing and authorized by Articles
III, IV, V, VI, VII and Section 12-13 of the Illinois Public
Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1
et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10,
1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374,
effective July 6, 1982; emergency amendment at 6 Ill. Reg.
8508, effective July 6, 1982, for a maximum of 150 days;
amended at 7 Ill. Reg. 681, effective December 30, 1982;
amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at
7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill.
Reg. 8271, effective July 5, 1983; emergency amendment at 7
Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150
days; amended at 7 Ill. Reg. 8540, effective July 15, 1983;
amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended
at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory
amendment at 7 Ill. Reg. 15047, effective October 31, 1983;
amended at 7 Ill. Reg. 17358, effective December 21, 1983;
amended at 8 Ill. Reg. 254, effective December 21, 1983;
emergency amendment at 8 Ill. Reg. 580, effective January 1,
1984, for a maximum of 150 days; recodified at 8 Ill. Reg.
2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984;
amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended
at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8
Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg.

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7258, effective May 16, 1984; emergency amendment at 8 Ill.
Reg. 7910, effective May 22, 1984, for a maximum of 150 days;
amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at
8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment
at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of
150 days; amended at 8 Ill. Reg. 13343, effective July 17,
1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984;
Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141
at 8 Ill. Reg. 16354; amended (by adding sections being
codified with no substantive change) at 8 Ill. Reg. 17899;
peremptory amendment at 8 Ill. Reg. 18151, effective September
18, 1984; amended at 8 Ill. Reg. 21629, effective October 19,
1984; peremptory amendment at 8 Ill. Reg. 21677, effective
October 24, 1984; amended at 8 Ill. Reg. 22097, effective
October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155,
effective October 29, 1984; amended at 8 Ill. Reg. 23218,
effective November 20, 1984; emergency amendment at 8 Ill. Reg.
23721, effective November 21, 1984, for a maximum of 150 days;
amended at 8 Ill. Reg. 25067, effective December 19, 1984;
emergency amendment at 9 Ill. Reg. 407, effective January 1,
1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697,
effective February 22, 1985; amended at 9 Ill. Reg. 6235,
effective April 19, 1985; amended at 9 Ill. Reg. 8677,
effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective
June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26,
1985; emergency amendment at 9 Ill. Reg. 11403, effective June
27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg.
11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000,
effective July 24, 1985; amended at 9 Ill. Reg. 12306,
effective August 5, 1985; amended at 9 Ill. Reg. 13998,
effective September 3, 1985; amended at 9 Ill. Reg. 14684,
effective September 13, 1985; amended at 9 Ill. Reg. 15503,
effective October 4, 1985; amended at 9 Ill. Reg. 16312,
effective October 11, 1985; amended at 9 Ill. Reg. 19138,
effective December 2, 1985; amended at 9 Ill. Reg. 19737,
effective December 9, 1985; amended at 10 Ill. Reg. 238,
effective December 27, 1985; emergency amendment at 10 Ill.
Reg. 798, effective January 1, 1986, for a maximum of 150 days;
amended at 10 Ill. Reg. 672, effective January 6, 1986; amended
at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10
Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill.
Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg.
7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128,
effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912,
effective May 13, 1986, for a maximum of 150 days; amended at
10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill.
Reg. 14714, effective August 27, 1986; amended at 10 Ill.
Reg. 15211, effective September 12, 1986; emergency amendment at
10 Ill. Reg. 16729, effective September 18, 1986, for a maximum

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of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective October 24, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351,

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effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; emergency amendment at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. —, effective December 12, 1990; amended at — Ill. Reg. —, effective December 28, 1990; emergency amendment at 15 Ill.

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Reg. 592, effective January 1, 1991, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.413 Limitation on Physician Services
EMERGENCY

a) When provided in accordance with the specified limitations and requirements, the Department shall pay for the following services:

- 1) Termination of pregnancy -- only in those cases in which the physician has certified in writing to the Department that the procedure is necessary to preserve the life of the mother. All claims for reimbursement for abortions or induced miscarriages or premature births must be accompanied by the physician's written certification which specifies that the procedure is necessary for preservation of life of woman, or that the induced premature birth was to produce a live viable child and was necessary for the health of mother or her unborn child.

2) Sterilization

- A) Therapeutic sterilization -- only when the procedure is either a necessary part of the treatment of an existing illness, or is medically indicated as an accompaniment of an operation on the female genitourinary tract. Mental incapacity does not constitute an illness or injury in respect to this procedure.
- B) Nontherapeutic sterilization -- only for recipients age 21 or older. The physician must obtain the recipient's informed written consent in a language understandable to the recipient before performing the sterilization and must advise the recipient of the right to withdraw consent at any time prior to the operation. The operation shall be performed no sooner than 30 days and no later than 180 days following the date of

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Section 140.413 Limitation on Physician Services (Cont'd.)
EMERGENCY

the recipient's written informed consent except in cases of premature delivery or emergency abdominal surgery. An individual may consent to be sterilized at the time of premature delivery or emergency abdominal surgery if at least 72 hours have passed since informed consent was given.

- 3) End stage renal disease treatment (chronic hemodialysis and kidney transplantation) is limited to those recipients who have been determined medically eligible for such treatment by the Illinois Department of Public Health.

- 4) By-pass surgery for morbid obesity -- only with the prior approval of the Department. The Department shall approve payment for this service only in those cases in which it determines that obesity is exogenous in nature, the recipient has had the benefit of other therapy with no success, and endocrine disorders have been ruled out. (See Sections 140.40 through 140.42 for prior approval requirements.)

5) Psychiatric Services

- A) Treatment -- when the services are provided by a physician who has been enrolled as an approved provider with the Department. Psychiatric treatment services are not covered services for Recipients of General Assistance or Aid to the Medically Indigent.

- B) Consultation -- only when necessary to determine the need for psychiatric care. Services provided subsequent to the initial consultation must comply with the requirements for treatment.

- 6) Services provided to a recipient in his place of residence -- only when the recipient is physically unable to go to the physicians's office.

- 7) Services provided to recipients in group care facilities by a physician other than the

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NOTICE OF EMERGENCY AMENDMENT

Section 140.413 Limitation on Physician Services (Cont'd.)
EMERGENCY

attending physician -- only emergency services provided when the attending physician of record is not available or when the attending physician has made referral with the recipient's knowledge and permission.

8) Services provided to recipients in a group care facility by a physician who derives a direct or indirect profit from total or partial ownership (or from other types of financial investment for profit in the facility -- only when occasioned by an emergency due to acute illness, unavailability of essential treatment facilities in the vicinity for short-term care pending transfer, or when there is no comparable facility in the area.

9) Maternity care -- Payment shall be made for pre-natal and post-natal care for mother and child only when the following conditions are met:

A) the physician, whether based in a hospital, clinic, or individual practice, retains hospital delivery privileges or maintains a written referral arrangement with another physician who retains such privileges;

B) the written referral agreement is kept on file and is available for inspection at the physician's place of business, and details procedures for timely transfer of medical records; and

C) maternal services are delivered in a manner consistent with the quality of care guidelines published by the American College of Obstetricians and Gynecologists in the current edition of the "Standards for Obstetric-Gynecologic Services" (1989 Edition), 409 12th Street, S.W., Washington, D.C. 20024-2188.

10) Hysterectomy -- only if the individual has been informed, orally and in writing, that the hysterectomy will render her permanently incapable of reproducing and the individual has signed a written acknowledgement of receipt of

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NOTICE OF EMERGENCY AMENDMENT

Section 140.413 Limitation on Physician Services (Cont'd.)
EMERGENCY

the information. The Department will not pay for a hysterectomy which would not have been performed except for the purpose of rendering an individual permanently incapable of reproducing.

11) Selected surgical procedures -

A) Tonsillectomies or Adenoidectomies

B) Hemorrhoidectomies

C) Cholecystectomies

D) Disc Surgery/Spinal Fusion

E) Hysterectomies

F) Joint Cartilage Surgery/Meniscectomies

G) Excision of Varicose Veins

H) Submucous Resection/Rhinoplasty/Repair of Nasal System

I) Mastectomies for Non-Malignancies

J) Surgical procedures which generally may be performed in an outpatient setting (see Section 140.117) only if the Department authorizes payment. The Department will in some instances require that a second physician agree that the surgical procedure is medically necessary prior to approving payment for one of these procedures. The Department will require a second opinion when the attending physician has been notified by the Department that he will be required to obtain prior approval for payment for the surgeries listed. (See Sections 140.40 through 140.42 for prior approval requirements). The Department will select physicians for this requirement based on the recommendation of a peer review committee that has reviewed the utilization pattern of the physician.

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NOTICE OF EMERGENCY AMENDMENT

Section 140.413 Limitation on Physician Services (Cont'd.)
EMERGENCY

12) Mammography screening

A) Covered only when ordered by a physician for screening by low-dose mammography for the presence of occult breast cancer under the following guidelines:

- i) a baseline mammogram for women 35 through 39 years of age;
- ii) a mammogram every one to two years for women 40 through 49 years of age; or
- iii) a mammogram once per year for women 50 years of age or older.

B) As used in this rule, "low-dose mammography" means the x-ray examination of the breast using equipment specifically designated for mammography that will meet appropriate radiological standards.

- b) In cases where a physical examination by a second physician is needed, the Department will notify the recipient and designate a physician to perform the examination. Physicians will be subject to this requirement for six (6) months after which a request can be submitted to the peer review committee to consider removal of the prior approval requirement.

(Source: Emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol and/or Other Drugs
- 2) Code Citation: 77 Ill. Adm. Code 510
- 3) Section Numbers:
510.110
510.130
Emergency Action:
Amendments
- 4) Statutory Authority: The Illinois Vehicle Code
Ill. Rev. Stat. 1989, ch. 95 1/2, par. 11-501.2 et seq.
- 5) Effective Date of Amendments: January 1, 1991
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: January 1, 1991
- 8) Reason for Emergency: These rules are utilized in a court room daily; the Illinois Supreme Court ruled in 1988 (Orth v. Illinois) that the Department of Public Health's rules must be followed by the courts in this state. Therefore, correct rules are absolutely essential to the public safety.
- 9) A Complete Description of the Subjects and Issues Involved: In Section 510.110, a correction was made for the spelling of venipuncture; also in Section 510.110, reference to subsection (c)(3) is being deleted, since there is no such subsection. Lastly and most important, in Section 510.130, the alcohol level is incorrectly stated as 0.99, instead of .099.
- 10) Are there any Proposed Amendments to this Part pending?
Yes No X
If Yes:
- 11) Statement of Statewide Policy Objectives:
These amendments will not create or expand a State Mandate.
- 12) Information and questions regarding this amendment shall be directed

Section Numbers

Proposed Action

Ill. Reg. Citation

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 510

TESTING OF BREATH, BLOOD AND URINE FOR ALCOHOL AND/OR OTHER DRUGS

Section	Authority
510.10	Definitions
510.20	Construction of Rules
510.30	Instruments for Analyzing the Alcohol Content of Blood By Breath
510.40	Assaying of Ampoule Solutions (Repealed)
510.50	Standards for the Operation of Approval Breath Analysis Instruments
510.60	Licensing of Operator
510.70	Requirements for Renewal of License
510.80	Revocation and Denial of License
510.90	Examining and Certifying Instruments
510.100	Standards and Procedures for Withdrawal of Blood and/or Urine
510.110	EMERGENCY Samples for Chemical Analysis of Alcohol or other Drug Content
510.120	Approval of Laboratories and Laboratory Technicians
510.130	Preliminary Breath Screening Test Units (PBT's)
EMERGENCY	

AUTHORITY: Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 11-501.2) et seq.

SOURCE: Filed September 18, 1972; new rules adopted at 5 Ill. Reg. 14152, effective January 1, 1982; rules repealed at 6 Ill. Reg. 365, effective January 1, 1982; amended at 7 Ill. Reg. 1917, effective January 28, 1983; codified at 8 Ill. Reg. 14271; amended at 9 Ill. Reg. 9154, effective June 3, 1985; amended at 12 Ill. Reg. 20211, effective December 1, 1988; amended at 14 Ill. Reg. 19052, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 612, effective January 1, 1991, for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

Section 510.110 Standards and Procedures for Withdrawal of Blood and/or Urine
EMERGENCY Samples for Chemical Analysis of Alcohol or other Drug Content

- a) Blood Collection. When a person is arrested and the arresting officer requests a blood test to determine the amount of alcohol or other drugs present, the blood sample shall be collected according to the following procedure(s)
- 1) Blood sample shall be collected in the presence of the arresting officer or other representative of the arresting

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to:

Gail M. DeVito
Division of Governmental Affairs
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-6187

The full text of the emergency amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

officer's agency who can authenticate the sample.

- 2) The blood sample shall be collected per venipuncture by a physician licensed to practice medicine, by a registered nurse or by a trained phlebotomist acting under the direction of a licensed physician.
- 3) Disinfectant. A disinfectant containing no alcohol or other volatile organic substance shall be used to clean the skin where a specimen is to be collected.
- 4) Equipment for Collection of Blood Samples.
 - A) Sterile, dry hypodermic needles and syringes or vacuum type blood collecting containers shall be used. Reusable equipment, if used, shall not be cleaned or kept in alcohol or other volatile organic solvent.
 - B) When hypodermic needles and syringes are used, the sample obtained shall be dispensed in approximately equal volumes, directly into two (2) clean, dry containers. Alcohol or other volatile organic solvent shall not be used to clean the container. The blood shall be mixed with an anticoagulant/preservative which will not interfere with the intended analytical method. The containers shall be closed with inert stoppers.

- C) When vacuum type blood collecting containers are to be used as primary collecting tubes, two (2) tubes should be collected each containing an anticoagulant/preservative which will not interfere with the intended analytical method.

D)

- i) The individual containers shall be appropriately and securely labeled to provide the following information:

Name of accused;

Date and time of collection;

Collecting attendant;

Authorizing officer's signature and agency identification; and Type of anticoagulant/preservative.

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- ii) The identity and integrity of the sample shall be maintained through collection to analysis and reporting.
- E) The blood samples shall be delivered directly to a laboratory certified by the Department. (See Section 510.120)
- F) The testing laboratory shall utilize one container for the appropriate analysis; the second container shall be retained by that laboratory for a period of at least one (1) year if sufficient sample is submitted.
- G) When drugs other than alcohol are suspected, a urine specimen of approximately 30 ml should accompany the blood sample, but shall not be submitted in lieu of the blood sample. The urine sample shall be collected from the accused's first voiding of the bladder in a manner to preserve the dignity of the individual and the integrity of the sample and in accordance with subsection (c)(1).and {3}.
- b) Blood and urine samples shall be tested to determine the concentration of alcohol and/or other drugs present by a laboratory method acceptable in a court of law.
- c) Urine collection.
 - 1) A urine sample should be considered only when other methods to determine equivalent alcohol concentration in the blood are not practicable, due to the condition of the individual. A specimen of urine, when collected, shall be collected in a manner to preserve the dignity of the individual and to insure the integrity of the sample. When a person is arrested and the arresting officer requests a urine test, the urine sample should be collected according to the following procedures:
 - A) Urine samples shall be collected in the presence of the arresting officer or a representative of the arresting officer's agency who can authenticate the sample. The officer or representative shall be of the same sex as the subject undergoing testing.
 - B) The accused shall empty his/her bladder and the urine be discarded. One half hour later the accused shall again be requested to void the bladder and the specimen shall be collected in clean, dry container and dispensed in approximately equal volumes directly into two (2)

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containers. No preservative shall be used. The containers shall be closed with inert stoppers.

- C) Each of the individual containers shall be appropriately and securely labeled to provide the following information:

- i) Name of accused
 - ii) Date and time of collection
 - iii) Collecting attendant
 - iv) Authorizing officer's signature and agency identification
- 2) The identity and integrity of the samples shall be maintained through collection to analysis and reporting.

- A) The urine samples shall be delivered directly to a laboratory certified by the Department. (See Section 510.120)

- B) The testing laboratory shall utilize one container for the appropriate analysis; the second container shall be retained by that laboratory for a period of at least one (1) year if sufficient sample is submitted.

- d) Reporting of Results. The original report of the analysis shall be returned to the submitting agency only. A duplicate copy of the report of the analysis shall be retained in the testing laboratory for a period of at least two (2) years. All laboratories shall submit to the Department of Public Health all analyses results of blood and/or urine of drug content, age of individual, without identifying the individual. The results of these analyses will be kept by the Department and used only for statistical purposes. Results are to be submitted to the Illinois Department of Public Health, Division of Alcohol and Substance Testing, 535 West Jefferson, Springfield, Illinois 62761.

- e) When the Accused requests an additional chemical analysis, THE PERSON TESTED MAY HAVE A PHYSICIAN, OR A QUALIFIED TECHNICIAN, CHEMIST, REGISTERED NURSE, OR OTHER QUALIFIED PERSON OF THEIR OWN CHOOSING ADMINISTER A CHEMICAL TEST OR TESTS IN ADDITION TO ANY ADMINISTERED AT THE DIRECTION OF A LAW ENFORCEMENT OFFICER. (Section 3 of The Illinois Vehicle Code). The test must be conducted in accordance with procedures in Section 510.110(a) through (c) except those provisions which require the presence and signature of the arresting officer or his/her representative and

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those provisions in subsection (a) (2).

(Source: Emergency amendment at 15 Ill. Reg. 612, effective January 1, 1991, for a maximum of 150 days)

Section 510.130 Preliminary Breath Screening Test Units (PBT's) EMERGENCY

- a) Preliminary breath test units are portable electrically or battery powered units, used to determine if alcohol is present in the tested subject's breath.
- b) Preliminary breath test units offered for sale anywhere within the State to law enforcement agencies must be approved by the Department. No instrument shall be given approval if it demonstrates an error in excess of plus or minus .01. Any instrument which is not approved after initial testing shall be re-tested at the request of the manufacturer.
- c) Preliminary breath test units shall be utilized by law enforcement agencies in accordance with the manufacturer's specifications and operating procedures.
- d) Unit Approval
 - 1) Units listed as Pass/Fail will indicate alcohol levels as follows:
 - A) Green Indicator Light - A level of .00 to .05,
 - B) Amber Indicator Light - A level of .051 to .0-99,
 - C) Red Indicator Light - A level of .10 or higher.
 - 2) Units listed as Digital Read will indicate alcohol levels by numeric indication of two digits (.00) on a visible screen.
 - 3) Units listed as Digital Pass/Fail will indicate levels of alcohol impairment by a numeric or letter message on the unit screen for .05 to .10 levels.
- e) Units Approved:
 - 1) ALCO-CHEK, Models I and II and model 3000
All Pass/Fail and Digital Read Models
Manufactured by Approved Technology, Inc., P.O. Box 88094,
Grand Rapids, MI 49508.

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- 2) **ALCO-SENSOR**
All Pass/Fail, Digital Read and Digital Pass/Fail Models
Manufactured by Intoximeters, Inc., 1901 Locust St., St.
Louis, MO 63101.
- 3) **S-L2 and S-D2 Lion AlcoImeter**
All Pass/Fail and Digital Read Models
Manufactured by C.M.I., Inc. 316 East Ninth Street, Owensboro,
KY 42301.
- 4) **ALERT Model J-4**
All Digital Pass/Fail and Digital Read Models
Manufactured by Alcohol Countermeasures Systems, 924
Military Street, Port Huron, MI 48060.
- 5) **GUTH ALCO-TECTOR**
Pass/Fail Model Only
Distributed by Guth Laboratories, Inc., 590 N. 67th Street,
Harrisburg, PA 17111.

(Source: Emergency amendment at 15 Ill. Reg. 612, effective January 1,
1991, for a maximum of 150 days)

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NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3)

<u>Section Nos.:</u>	<u>Peremptory Action:</u>	<u>Section Nos.:</u>	<u>Peremptory Action:</u>
125.10	Amended	125.230	Amended
125.30	Amended	125.240	Amended
125.40	Amended	125.250	Amended
125.50	Amended	125.260	Amended
125.60	Amended	125.270	Amended
125.80	Amended	125.280	Amended
125.90	Amended	125.290	Amended
125.100	Amended	125.300	Amended
125.110	Amended	125.305	Amended
125.120	Amended	125.310	Amended
125.130	Amended	125.320	Amended
125.140	Amended	125.330	Amended
125.150	Amended	125.340	Amended
125.160	Amended	125.350	Amended
125.170	Amended	125.360	Amended
125.180	Amended	125.370	Amended
125.190	Amended	125.380	Amended
125.200	Amended	125.390	Amended
125.210	Amended	125.400	Amended
125.220	Amended	125.410	Amended

4) Reference to the Specific State or Federal Court Order,
Federal Rule or Statute which requires this Peremptory
Rulemaking: The Meat and Poultry Inspection Act (Ill. Reg. Stat.
1989), ch. 56 1/2, par. 316); the Federal Meat Inspection Act (21
U.S.C.A. 661); the Federal Poultry Inspection Act (21 U.S.C.A.
454); 9 CFR 301-381 (1990).

5) Statutory Authority: The Meat and Poultry Inspection Act
(Ill. Rev. Stat. 1989, ch. 56 1/2, par. 316).

6) Effective Date: January 2, 1991

7) A Complete Description of the Subjects and Issues Involved:

In order to maintain an "equal to" status with the federal meat
and poultry inspection programs as required by the Federal Meat
Inspection Act, the Federal Poultry Inspection Act, and in
compliance with Section 16 of The Meat and Poultry Inspection

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NOTICE OF PEREMPTORY AMENDMENTS

Act, the federal code as it appeared in 1984 relative to meat and poultry inspection and changes to the rules as they appeared in the federal registers since 1984 have been adopted.

To assist the public in locating the rules since 1984 versions of the federal code are very difficult to obtain and to eliminate confusion in referring to the subsequent 6 years of federal registers where changes to the rules were adopted, the agency is adopting the latest printed version of the federal rules, which is 1990. At this time, we have updated references to the latest printed edition of the Illinois Revised Statutes. These amendments will not have an impact on the regulated public as changes in the federal rule have already been adopted.

Further, these amendments should create no additional economic impact on the regulated public.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9 Date Filed in Agency's Principal Office: January 2, 1991
- 10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part? No
- 12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.

13) Information and questions regarding this adopted amendment shall be directed to:

Name: Donna Garman
Address: Illinois Department of Agriculture
State Fairgrounds, Springfield,
Illinois 62794-9281
Telephone: 217/785-0112

The full text of the Peremptory amendment begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT

PART 125

MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product

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- 125.280 Meat Definitions and Standards of Identity or Composition
 125.290 Transportation
 125.300 Special Services Relating to Meat and Other Products
 125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

- Section
 125.310 Application of Inspection
 125.320 Facilities for Inspection
 125.330 Sanitation
 125.340 Operating Procedures
 125.350 Ante-Mortem Inspection
 125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts
 125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments
 125.380 Labeling and Containers
 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
 125.400 Definitions and Standards of Identity or Composition
 125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 301 et seq.) and The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 16).

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10

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Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991.

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section 125.10 Definitions

- a) Terms shall be as defined in 9 CFR 301, 303.1(d)(2), (14), (14)(a), (b), (d), (e) and (f), (iv), (v) and (vi), 381.1, 381.10(d)(2), (14), (14)(a), (b), (d), (iv), (v) and (vi), and 352.1(b) through (t) (1990 1488), unless they are otherwise defined in The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989 1487, ch.

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56 1/2, par. 301 et seq., as amended by P.A. 86-217, effective August 15, 1989) or in this Section as follows:

"Act" means The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989 1987, ch. 56 1/2, par. 301 et seq., as amended by P.A. 86-217, effective August 15, 1989).

"Approved veterinarian" means any person who has graduated from a veterinary college that is recognized by the American Veterinary Medical Association.

"Birds" shall mean poultry as defined in Section 2.7 of the Act.

"Condition" means any condition, including, but not being limited to, the state of preservation, cleanliness, or soundness of any product made from rabbits or the processing, handling, or packaging which may affect the wholesomeness of such product.

"Livestock" means cattle, sheep, swine, buffalo, catalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo, and goats.

"Members of the household" means those persons who occupy a single family unit.

b) With regard to the definitions of consumer and similar type establishment, the Director has not designated any other type of establishment or institution under these terms other than those specifically stated in the incorporated language.

c) With regard to the definitions of retail store, only those sections which are incorporated by reference as stated in Section 125.10(a) shall be included in the definition. References within the incorporated language to the section of the federal rules pertaining to operations of types traditionally and usually conducted at retail stores and restaurants refer to the operations defined in Section 5(A) of the Act. No product exempted from inspection in accordance with Section 5 of the Act shall be prepared in any retail store, restaurant or similar retail-type establishment.

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d) References in the incorporated language to 9 CFR 312 and 313 shall be interpreted as references to Sections 125.90 and 125.220 respectively. References to the Humane Methods and Slaughter Act of 1978 shall mean as set forth in Section 125.220.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.30 Application for License; Approval

a) An application for license to operate an establishment or act as a broker shall be made in accordance with Section 3 of the Act. A fee as set forth in Section 3(b) of the Act shall accompany the license application.

b) When there is a change in the ownership of the brokerage business or of the establishment or of any tenant or subsidiary of the licensee, a new application for license shall be submitted by the person desiring to operate the establishment or act as a broker in accordance with Section 125.30(a). If there has been no change in the facilities of the establishment as shown on the drawings and specifications required by Section 125.30(c) and the licensee so states in writing to the Department, copies of drawings and specifications shall not be required to accompany the new application for license. When there is a change in the facilities or location of any official establishment or broker, a new application for license shall be submitted by the licensee in accordance with Section 125.30(a) and (c).

c) In the case of establishments handling meat and meat products, the Department incorporates by reference 9 CFR 304.2(a)(1) and (2) (1990 1984), and in the case of establishments handling poultry and poultry products, the Department incorporates by reference 9 CFR 381.19(a)(2) through (5), (c) and (d) (1990 1984). If the establishment handles both meat and/or poultry or meat and/or poultry products, the establishment shall comply with both of the before-stated provisions. Except that in any case, the Department requests 3 copies of said drawings and specifications to accompany the application for license. The specification requirements are as set forth in Sections 125.170 and 125.180.

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- d) The applicant for license to operate an establishment or act as a broker shall submit the following information to the Department on the application form:

- 1) Name and address and telephone number of the applicant.
- 2) Type of operation(s) the applicant will be performing (i.e., slaughter, processing, custom slaughter, meat broker, poultry broker, or meat and poultry broker).
- 3) The location of the establishment or brokerage business for which the license is requested.
- 4) The name and address of any tenant or subsidiary of the applicant that will be preparing meat and/or poultry or meat and/or poultry products at the establishment (if applicable).
- 5) Name of the establishment (trade name).
- 6) Legal entity of the applicant (e.g., individual, association, corporation) and the legal name of the business.
- 7) State where the corporation or association is incorporated and list of officers (if applicable).

- e) The applicant for license shall certify on the application for license that he/she shall comply with the Act and the rules of this Part. The applicant and any tenant or subsidiary of the applicant shall be responsible for compliance with the Act and rules of this Part.

- f) The slaughter or preparation of meat and/or poultry products at any official establishment shall be performed only by employees of the licensee or by employees of the tenant or subsidiary whose name was submitted to the Department on the license application.

- g) Before issuing a license to operate an establishment an inspection shall be made of the establishment to determine compliance with Sections 125.50, 125.170 and 125.180. All labels shall be approved in accordance with Sections 125.90 and 125.260 before any meat and/or poultry or meat and/or poultry product is transported in commerce. The Director shall issue a license to act as

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a broker or to operate an establishment if the applicant is not in violation of Section 19 of the Act and the establishment is in compliance with the rules of this Part. If the applicant for license is denied, the procedure as set forth in Section 19(F) of the Act shall be followed. The hearing rules are set forth in Section 125.60.

- h) Only one license to operate an official establishment shall be issued by the Department for each facility. The slaughter of meat and/or poultry or the preparation of meat and/or poultry products by any tenant or subsidiary of the licensee who is listed on the application form shall be construed as part of the official establishment for inspection purposes.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.40 Official Number

The Department incorporates by reference 9 CFR 305.1(a) (1990 +1984).

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.50 Inspections; Suspension or Revocation of License

- a) An official establishment shall be physically separated (e.g., permanent wall or separate building) from any other operations licensed by the Department (e.g., renderer or blender).

- b) The Department incorporates by reference 9 CFR 305.2(c), 305.3 and 381.26 (1990 +1984). The sanitary conditions and adequate facilities referred to in the incorporated language shall mean that the conditions will be deemed sanitary if they are in compliance with Section 125.180 and facilities will be deemed adequate if they are in compliance with Section 125.70.

- c) The Director shall suspend or revoke a license in accordance with the provisions of Section 19(E) of the Act. The Department shall follow the procedure set forth in Section 19(F) of the Act prior to suspending or revoking a license. The hearing rules are as set forth in Section 125.60. The Department will suspend a

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license until the violation is corrected and brought into compliance with the Act or rules of this Part. The Department will revoke a license for repeated violations of the Act or the rules of this Part. In deciding to revoke a license, the Department shall consider factors pertinent to the case, such as the number of violations involved, the number of previous violations of the establishment, the nature of the violation(s) (e.g., public health hazard, bribery, and misuse of official legends or marks) and its severity.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.60 Administrative Hearings; Appeals

a) All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989-1987, ch. 127, par. 1001 et seq.) and the Department's Administrative Rules (8 Ill. Adm. Code 1) which pertain to administrative hearings, petitions, contested cases, declaratory rulings and availability of Department files for public access. Administrative hearings are governed by the Illinois Administrative Procedure Act, Subpart B of the Department's Administrative Rules, and Section 19(F) of The Meat and Poultry Inspection Act.

b) Any appeal from a decision of an inspector shall be made either orally or in writing to the regional supervisor. Any appeal from a decision of a regional supervisor shall be made either orally or in writing to the Bureau Chief, Bureau of Meat and Poultry Inspection, Division of Animal Industries, Department of Agriculture, Springfield, Illinois 62794-9281 (217/782-6684). The regional supervisor or the Bureau Chief shall respond to an appeal within 72 hours from the time the appeal is received or the appellant may proceed to the next higher level of appeal. Any appeal from a decision of the Bureau Chief shall be made in writing to the Superintendent, Division of Animal Industries and an administrative hearing shall be held.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.80 Schedule of Operations; Overtime

a) The Department incorporates by reference 9 CFR 307.4(a), 307.4(d), and 381.37(a) and (d) (1990-1984). References to 9 CFR 307.6(b) and 381.39(b) in the incorporated language shall be interpreted to mean as set forth in this Section.

b) The basic workweek and workday shall be those days and hours as on file and approved by the Department of Central Management Services in accordance with the Personnel Code (Ill. Rev. Stat. 1989-1987, ch. 127, par. 63b101 et seq.) and the rules for that Act (80 Ill. Adm. Code 303.300). The work schedule of the official establishment and any requests for changes in the work schedule shall be submitted in writing by the licensee to the regional supervisor. However, minor deviations (one hour or less) from the daily operating schedule shall be approved by the inspector if the request is received on the day before the change is to occur and the change is only for that particular day.

c) Overtime charges for inspection services rendered shall be as follows:

1) For inspection on a Saturday, Sunday or on a workday at times other than the hours as set forth in the approved work schedule, the rate shall be \$15.00 per hour or any fraction of an hour.

2) For inspection on holidays, the rate shall be \$10.00 per hour or any fraction of an hour.

d) The overtime charge shall be for the actual time the inspector is performing the inspection service. Travel expenses and the minimum overtime that will be billed is as follows:

1) When an inspector has departed the official establishment after the completion of his/her regular workday and is recalled to perform inspection service, the minimum overtime that will be charged shall be two hours.

2) For inspection service rendered on Saturday, Sunday or on a holiday, the minimum overtime that will be charged is two hours.

3) When an inspector is required to return to the establishment after the completion of his/her regu-

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lar work day or on a Saturday, Sunday or holiday, the official establishment will be billed for mileage charged by the inspector in accordance with Travel Regulations (80 Ill. Adm. Code 2800) in addition to the overtime charged.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.90 Official Marks of Inspection, Devices and Certificates

a) The official inspection legend which indicates the meat, poultry, buffalo, catalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo, or meat, buffalo, catalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo, and/or poultry product was inspected and passed shall be as prescribed in Section 2.26 of the Act.

b) The Department incorporates by reference 9 CFR 312.2(b)(2), 312.4, 312.5(a), 312.6, 312.9, 381.98, 381.99, 381.100, 381.101, 381.103, and 381.108, 381.110 through 381.111 (1990 1989), except that the inscription on the mark of inspection shall contain the word "Illinois" rather than "U.S."

c) The brands shall be in the forms as prescribed in Section 2.26 of the Act.

d) The Department shall supply all Illinois Retained, Illinois Seizure, and Illinois Rejected paper tags. The Illinois Seizure tag is used in lieu of the federal detained tag.

e) The seal referred to in 9 CFR 312.5(a) and 381.98 shall be a padlock or metal self-locking tab as shown in the illustration for the federal rules.

f) The only official brands, symbols, legends and devices shall be those set forth in this Section.

g) Certificates shall be those set forth in the incorporated federal rules.

h) Reference to federal forms MP-427, MP-35, and CP-483 shall mean Illinois paper tags as identified in this

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Section and MP-514-1 shall mean Illinois form IL 406-0372. A seal is used by the Department in lieu of issuing a form the equivalent of federal form MP-408-3.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.100 Records and Reports

a) The Department incorporates by reference 9 CFR 320.1(b), 320.6(a), 320.7, 381.175(b), 381.180(a) and 381.181 (1990 1984, 49 FR 4715, effective Feb 8, 1984, 49 FR 2336, effective July 17, 1984, 51 FR 45602, effective June 19, 1987, 53 FR 40378, effective November 14, 1988).

b) Access to the establishment, its premises, records and inventories shall be provided to the Department in accordance with Section 14 of the Act and Section 125.70.

c) Each person who is required to be licensed in accordance with Section 3 of the Act shall keep records as stated in the incorporated language of 9 CFR 320.1(b) and 381.175(b), except that for custom slaughtering and custom processing transactions, the recordkeeping requirements shall be those set forth in Section 5(D)(2)(f) of the Act. Records shall be retained for 5 years after December 31 of the year in which the transaction to which the record relates has occurred. If a record must be retained for longer than 5 years because of an ongoing investigation or litigation, the Department shall notify the licensee in writing as to which record is to be retained, the reasons for such retention and the retention period. The Department shall consider when determining the retention period the court date, if known, or the time needed to conclude the investigation (e.g., considering the type of disease being investigated, the number of animals involved, and laboratory testing procedures, if applicable).

d) The licensee of the official establishment shall maintain such records at the establishment. In the case of a broker, the records shall be maintained at the office listed on the application for license.

e) The Department shall request a licensee to submit an evaluation of the inspection program or of the inspection

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tor's performance when the Department is conducting a review of the effectiveness of the Meat and Poultry Inspection Program or when a complaint on the inspector's performance has been received.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.110 Exemptions

- a) Meat and/or poultry and meat and/or poultry products exempted from ante-mortem and post-mortem inspection requirements shall be as set forth in Section 5 of the Act. Transportation of meat and/or poultry and meat and/or poultry products which are exempted from ante-mortem and post-mortem inspection shall be in accordance with Section 5 of the Act (i.e., they cannot be transported in commerce). Labeling requirements on such exempted meat and/or poultry and meat and/or poultry products shall be as stated in Section 5 of the Act.

- b) The Department incorporates by reference 9 CFR 303.2 (1990 ~~52FR 48084, effective December 18, 1987~~).

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.120 Disposal of Dead Animals and Poultry

The collection, transportation, and disposal of carcasses or parts of carcasses of animals or poultry that have died other than by slaughter at an official establishment shall be in accordance with the Illinois Dead Animal Disposal Act (Ill. Rev. Stat. 1989 1983, ch. 8, par. 149.1 et seq.) and the rules adopted pursuant thereto (8 Ill. Adm. Code 90), unless such animals or poultry are custom slaughtered and delivered by the owner to an official establishment for custom processing in accordance with Section 5 of the Act.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.130 Reportable Animal and Poultry Diseases

Any animal or poultry suspected of being infected with a reportable disease (see 8 Ill. Adm. Code 85.10) shall be reported by the inspector or veterinarian in accordance with the Illinois Diseased Animals Act (Ill. Rev. Stat. 1989 1983, ch. 8, par. 168

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et seq.) and the rules adopted pursuant thereto (8 Ill. Adm. Code 85).

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.140 Detention; Seizure; Condemnation

- a) The Department incorporates by reference 9 CFR 329.1 through 329.5, and 381.210 through 381.214 (1990 1984).

- b) Reference in the incorporated language to Title I and II of the Act, any other federal law, laws of any territory or the District of Columbia, notification of federal authorities not connected with the program, and Section 404 of the Act are not applicable to the Department in its enforcement of the incorporated language. References to federal forms MP-484, CP-484, CP-479, and MP-479 shall mean Illinois forms MI-17 and MI-18. Illinois Retained or Illinois Seizure tags are used in lieu of federal form MP-483. The Department issues a Notice of Seizure, form MI-39, in lieu of federal form MP-487.

- c) Meat and/or poultry or meat and/or poultry product that is detained shall be released when it is in conformance with the Act and the rules of this Part. The Department shall verbally inform, followed up with written notification, the owner or person in charge of the detained meat and/or poultry or meat and/or poultry product as to what action must be taken to bring the meat and/or poultry or meat and/or poultry product into compliance. Meat and/or poultry or meat and/or poultry products shall be condemned as stated in Section 15 of the Act.

- d) CONDEMNED MEAT OR POULTRY PRODUCTS SHALL BE EFFECTIVELY DESTROYED FOR HUMAN FOOD PURPOSES BY THE OWNER OF THE MEAT OR POULTRY PRODUCT UNDER THE SUPERVISION OF AN INSPECTOR (quoted from Section 15 of the Act) in accordance with the denaturing procedures as set forth in Section 125.290 (specifically the incorporated language in 9 CFR 325.13). If the owner of the meat and/or poultry or meat and/or poultry product refuses to destroy the condemned meat and/or poultry or meat and/or poultry product, the Department shall take judicial action in the circuit court within the jurisdiction where the condemned product was found to confiscate the condemned meat and/or poultry or meat and/or poultry product in order to denature such meat and/or poultry or meat

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and/or poultry product so it cannot be used for human food purposes.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

SUBPART B: MEAT INSPECTION

Section 125.150 Livestock and Meat Products Entering Official Establishments

The Department incorporates by reference 9 CFR 302.3 (1990 +984).

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.160 Equine and Equine Products

The slaughter, labeling, denaturing, and transportation of equine and equine products shall be in accordance with the Illinois Horse Meat Act (Ill. Rev. Stat. 1989 +983, ch. 56 1/2, par. 240 et seq.) and the rules adopted pursuant thereto (8 Ill. Adm. Code 70).

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.170 Facilities for Inspection

a) The Department incorporates by reference 9 CFR 307.1, 307.2, 307.3 and 307.7 (1990 +984, 50 FR +9900, effective July 12, 1985, 53 FR 46429, effective December 19, 1988).

b) The inspector's office shall be approved if it is in compliance with the requirements for an inspector's office as set forth in the "Sanitation Handbook for Meat and Poultry Inspection" and the "U.S. Inspected Meat and Poultry Packing Plants, A Guide to Construction and Layout" as adopted in Section 125.20 and the provisions of this Section. The office will be considered as being in a convenient location if it is on the premises of the official establishment or located in a building adjacent to the official establishment. Small plants (as identified in 9 CFR 307.1) shall furnish an inspector's office either at the establishment or in a building adjacent to the official establishment.

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c) Facilities and equipment shall be provided by the official establishment as necessary to meet the operational needs (e.g., slaughtering facilities, processing facilities) of the establishment and the Department shall construe such facilities and equipment as being adequate, suitable or sufficient if the operational needs of the establishment can be met and inspection and sanitary conditions maintained in accordance with the rules of this Part.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.180 Sanitation

a) The Department incorporates by reference 9 CFR 308.1 through 308.5(a), 308.5(g) and 308.6 through 308.16 (1990 +984, 51 FR 45602, effective June 19, 1987, 53 FR 46429, effective December 19, 1988).

b) The Department shall approve construction of an establishment or the remodeling of an establishment if such establishment or the remodeling is in accordance with "U.S. Inspected Meat and Poultry Packing Plants, A Guide to Construction and Layout" as adopted by the Department in Section 125.20.

c) The Department will permit for use in any official establishment equipment or utensils that are on the "List of Accepted Meat and Poultry Equipment" as adopted in Section 125.20.

d) The Department shall approve the reuse of water for the specific purposes mentioned in the incorporated language of 9 CFR 308.3(d)(2) or for use as nonpotable water (see 9 CFR 308.3(d)(1)). An analysis of the water potability at an official establishment shall be furnished to the inspector annually by the licensee if the water supply comes from a municipal water source or semi-annually if the water supply comes from a well or cistern. Additional water potability reports shall be required to be furnished whenever the inspector has reason to believe the water is not potable (e.g., water main break or results from laboratory tests indicate that water could be the cause of the product being adulterated).

e) Any of the control procedures for excluding flies or vermin as stated in the "Meat and Poultry Inspection

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Manual" as adopted by the Department in Section 125.20 shall be approved for use in an official establishment.

- f) When determining if sanitation requirements are being or can be met, the Department shall consider the facilities, equipment and the operations of the establishment as being sanitary if they are in compliance with the "Sanitation Handbook for Meat and Poultry Inspection" and the operating procedures and sanitation requirements in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20 and the provisions of this Section.

- g) Pest control substances (e.g., insecticides or rodenticides) and disinfectants used in an official establishment shall be those products on the "List of Proprietary Substances and Nonfood Compounds" as adopted in Section 125.20.

- h) Slack barrels and other containers used in the shipping of meat products shall be lined with plastic or a paper of such quality that it will not readily tear when moistened from contact with the meat or meat product.

- i) Barrels, boxes and other containers used for shipping meat products shall be considered as unfit for use if they are torn, broken, have lost their original shape or are wet.

- j) Equipment, utensils, rooms or compartments which were found in violation of the sanitation requirements of this Section shall be considered as "made acceptable" when they are in compliance with the rules of this Part.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.190 Ante-Mortem Inspection

- a) The Department incorporates by reference 9 CFR 309.1 through 309.4(a), 309.5 through 309.11, and 309.13 through 309.18 (1990 1984, 49 FR 23605, effective June 4, 1984, 49 FR 27732, effective July 6, 1984, 50 FR 32162, effective September 9, 1985, 50 FR 53127, effective January 29, 1986, 52 FR 2101, effective January 20, 1987, 53 FR 40378, effective November 14, 1988, 55 FR 7472, effective May 31, 1990).

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- b) In cases of emergency slaughter (see 9 CFR 311.27) and where the inspector cannot be contacted or is unable to return to the establishment, the owner of the animal shall obtain the services of a licensed veterinarian who shall perform an ante-mortem examination on the animal. If upon examination the animal shows no symptoms of disease or abnormal conditions that would prohibit its intended use as human food in accordance with the provisions of this Section, the veterinarian shall prepare a written statement to the effect that the animal is in compliance with ante-mortem requirements of this Section and can be slaughtered at the official establishment. The veterinarian's statement shall be kept on file by the official establishment in accordance with Section 125.100. The costs of the veterinary services shall be borne by the owner of the animal.

- c) The Department shall approve treatment programs for diseased animals providing the licensee provides the necessary holding pens where such animals can be kept apart from the other livestock awaiting slaughter and the owner of the animal(s) agrees to the treatment and assumes the cost of such treatment. Following treatment, the animal shall be released from slaughter at the request of the owner or of the official establishment and permitted to be transported from the establishment provided the animal was not infected with a reportable disease (see Section 125.130).

- d) An animal found in a comatose or semicomatose condition shall be set apart from the other livestock and held for further observation at the request of the owner or the official establishment.

- e) "Other responsible official supervision" shall mean under the supervision of a licensed veterinarian or a program employee of the U.S. Department of Agriculture.

- f) At the option of the owner of the animal, any animal identified as a suspect may be reinspected by a veterinarian as set forth in Section 9 of the Act or the animal shall be slaughtered and identified in accordance with the provisions of this Section.

- g) An animal will be withheld from slaughter to permit biological residues to be reduced in accordance with 9 CFR 309.16 when the owner informs the inspector that the animal was taking chemicals or biologics or there is

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evidence to suggest that the animal was taking chemicals or biologics (e.g., injection marks, chemical odor). The time period for holding such animal shall depend on the withdrawal period of the chemical or biologic that was administered the animal. The inspector shall permit the slaughter of such animal (see 9 CFR 309.16a) when requested by the official establishment or by the owner of the animal.

h) The inspector shall approve the use by any establishment of any skin tattoo that contains a number identifying the animal or lot. The identifying number for the skin tattoo shall be assigned by the inspector.

i) Reference to federal form MP-402-2 shall mean Illinois form V-2. References in the incorporated language to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.

(Source: Peremptory amendment at 15 Ill. Reg. _____, effective January 2, 1991)

Section 125.200 Post-Mortem Inspection

a) The Department incorporates by reference 9 CFR 310(a) and 310.2 through 310.21, and 310.23 (1990 1984; 49 FR 23606, effective June 4, 1984; 50 FR 32162, effective September 9, 1985; 52 FR 2101, effective January 20, 1987; 53 FR 40378, effective November 14, 1988; 53 FR 45888, effective December 15, 1988; 54 FR 36755, effective October 5, 1989; 55 FR 7472, effective May 31, 1990; 55 FR 29564, effective August 20, 1990), except that the preparation of meat and meat products for non-human food purposes (e.g., dog food) is not permitted at an official establishment. The preparation of nonhuman food products must be done in establishments licensed under the Illinois Dead Animal Disposal Act.

b) The unusual circumstance and acceptable arrangements referred to in 9 CFR 310(a) shall mean in the case of emergency slaughter and in accordance with the procedure outlined in Section 125.190.

c) In the case of emergency slaughter and where a veterinarian was obtained by the owner to perform ante-mortem inspection (see Section 125.190), the veterinarian may perform post-mortem inspection of the animal. The carcass and all parts, including viscera, shall be identified

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fied as set forth in 9 CFR 310.2 and held for the inspector. If the veterinarian performs the post-mortem inspection at the request of the owner, then the cost of such service shall be borne by the owner of the animal.

d) Disinfectants that can be used in an official establishment shall be those set forth in Section 125.180.

e) With regard to the incorporated language in 9 CFR 310.2(b)(4), alternate methods proposed by the operator of an official establishment for handling devices shall be approved if such method will accomplish the specific provisions as stated in that paragraph.

f) Retained carcasses may be washed or trimmed provided such washing or trimming does not affect the disposition of the carcasses by removing conditions or lesions which caused the carcasses to be identified as retained.

g) Temporary identification of retained carcasses by an official establishment shall be permitted; however, Illinois Retained tags shall be used to identify the carcasses along with any temporary identification that is used.

h) References in the incorporated language to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.

i) Facilities for handling and inspecting cow udders shall be as set forth in "U.S. Inspected Meat and Poultry Packing Plants, A Guide to Construction and Layout" as adopted in Section 125.20.

(Source: Peremptory amendment at 15 Ill. Reg. _____, effective January 2, 1991)

Section 125.210 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts

a) The Department incorporates by reference 9 CFR 311 (1990 1984).

b) For the purpose of administering the incorporated language, the laboratories referred to shall mean any approved laboratory as defined in 8 Ill. Adm. Code 20.1. "Properly prepared and packaged" shall mean that the

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specimen shall be wrapped so as to prevent adulteration of the specimen and any leakage from the package.

- c) An approved freezing facility is an establishment licensed under the Illinois Refrigerated Warehouses Act (Ill. Rev. Stat. 1989 4983, ch. 56 1/2, par. 79.1 et seq.).

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.220 Humane Slaughter of Animals

Animals shall be slaughtered in accordance with "AN ACT to define and require the use of humane methods in the handling, preparation for slaughter, and slaughter of livestock for meat or meat products to be offered for sale" (Ill. Rev. Stat. 1989 4983, ch. 8, par. 229.51 et seq.) and the rules adopted pursuant thereto (8 Ill. Adm. Code 50).

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.230 Handling and Disposal of Condemned or Other Inedible Products at Official Establishment

- a) Condemned and inedible products shall be disposed of by persons licensed in accordance with the Illinois Dead Animal Disposal Act (see Section 125.120). If the official establishment has no facilities for tanking the condemned carcasses or meat products or if the inspector cannot leave the slaughter area, the condemned meat or meat products shall be denatured as set forth in 9 CFR 314.3 (1990 4984) before they leave the official establishment.

- b) The Department incorporates by reference 9 CFR 314.2, 314.7, and 314.9 through 314.11 (1990 4984).

- c) The Department does not permit animals that have died other than by slaughter in accordance with the custom slaughter exemption in Section 5 of the Act to be brought on the premises of the official establishment, except for animals which have died en route. Animals that have died en route to the official establishment shall be disposed of by licensed renderers (see Section 125.120).

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- d) Pipes and chutes shall be installed in accordance with the provisions of Section 125.180.

- e) Proprietary material shall be as set forth in the "List of Proprietary Substances and Nonfood Compounds" as adopted in Section 125.20.

- f) "Denaturing of carcasses to the extent necessary to preclude its use for food purposes" shall mean that one of the denaturing methods in 9 CFR 325.13 as adopted in Section 125.290 must be used.

- g) Carcasses or parts of carcasses condemned on account of anthrax shall be disposed of in accordance with the provisions of Section 125.120.

- h) Specimens of condemned or other inedible products shall be released if compliance with the specific provisions of 9 CFR 314.9 is met. An example of an objectionable condition would be in the case of a sanitary problem.

- i) The movement of livers and condemned products from an official establishment will be permitted in accordance with the provisions of Section 125.120.

- j) Reference to federal form MP-403-10 shall mean Illinois form MI-10. References in the incorporated language to other sections within 9 CFR 314 that have not been adopted shall be interpreted to mean in accordance with the provisions of this Section. References to 9 CFR 325 shall be interpreted to mean in accordance with Section 125.290.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.240 Rendering or Other Disposal of Carcasses and Parts Passed for Cooking

- a) The Department incorporates by reference 9 CFR 315 (1990 4984).

- b) References to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.

- c) When the product in the tank that has been passed for cooking does not consist of a carcass or whole primal part, the tank shall be sealed by the inspector.

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(Source: Peremptory amendment at 15 Ill. Reg. _____, effective January 2, 1991)

Section 125.250 Marking Products and Their Containers

- a) The Department incorporates by reference 9 CFR 316.1 through 316.5(d), 316.5(f) through 316.11, 316.13(a), 316.13(b), 316.13(d) through 316.13(h) and 316.14 through 316.15 (1990 1984; 53 FR 28632, effective August 29, 1988).
- b) Branding ink need not be submitted to the Department and it will be approved for use by the inspector in accordance with Section 2.11(B)(4) of the Act and the other provisions of the incorporated federal Section (9 CFR 316.5). Branding ink shall be purple.
- c) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided it is in compliance with Section 125.90.
- d) Additional official marks of inspection may be applied to meat and/or meat products at the option of the official establishment.
- e) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90 and reference to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.
- f) "Customarily sold at retail intact" shall mean that the meat product in the casing is sold at a retail store and customarily is not cut up into smaller packages.
- g) Products as identified in the incorporated language of 9 CFR 316.10 shall comply with Section 125.290 (specifically the incorporated language in 9 CFR 325.5) when being transferred between official establishments. No special form for this transfer is issued by the Department as in the case of federal inspection (federal form MP-408-1).
- h) Only those methods specifically included in 9 CFR 316.10(c) shall be approved for applying the list of ingredients.
- i) "Legibly and conspicuously marked" shall mean in compliance with the provisions of Section 125.260 (specifically the incorporated language of 9 CFR 317.2(j)(6) through (9)).

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(Source: Peremptory amendment at 15 Ill. Reg. _____, effective January 2, 1991)

- j) Carcasses and meat products prepared on a custom basis shall be labeled in accordance with Section 5(B)(4)(d) of the Act.
- k) Food additives and color additives shall be approved for use if the product is not adulterated in accordance with Section 2.11(B)(3) and (4) of the Act. When a specific antioxidant appears on the label, it shall be identified as set forth in Section 125.260 (specifically the incorporated language of 9 CFR 317.2(j)(10)).
- l) Stencils, box dies, labels and brands shall be approved in accordance with the provisions of Section 125.260.
- m) References to paragraphs 302(c)(2) of the Act and 23(b) of the Act shall be interpreted to mean those exemptions as set forth in Section 125.110. References in the incorporated language to 9 CFR 350 are not applicable to the Department in its enforcement of the rules of this Part.

(Source: Peremptory amendment at 15 Ill. Reg. _____, effective January 2, 1991)

Section 125.260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(d)(1), 317.5 through 317.6, 317.8, 317.10 through 317.14, 317.17 through 317.20(d) (1990 1984; 49 FR 4745, effective Feb. 8, 1984; 49 FR 18998, effective June 3, 1984; 49 FR 2335, effective July 17, 1984; 50 FR 19903, effective July 12, 1985; 50 FR 21430, effective June 24, 1985; 51 FR 29456, effective September 17, 1986; 51 FR 30052, effective September 22, 1986; 53 FR 7493, effective April 8, 1988; 53 FR 28634, effective August 29, 1988; 53 FR 49848, effective January 11, 1989; 55 FR 7289, effective August 28, 1990; 55 FR 34678, effective September 24, 1990; 55 FR 49826 and 50081, effective May 29, 1991).
- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.

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- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(d)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.
- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act (Ill. Rev. Stat. 1989 1983, ch. 147, par. 101 et seq.) and the rules adopted thereto (8 Ill. Adm. Code 600.120).
- f) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- g) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.
- h) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).
- i) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become multilayered or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- j) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official

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establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.

- k) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.

- 1) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.270 Entry into Official Establishment; Reinspection and Preparation of Product

- a) The Department incorporates by reference 9 CFR 318.1(c) through 318.7, 318.9 through 318.10, 318.14 through 318.20, 318.22, 318.300 through 318.311 (1990 1984, 49 FR 23606, effective June 4, 1984, 49 FR 19623, effective June 8, 1984, 49 FR 18999, effective July 3, 1984, 49 FR 22055, effective Aug. 10, 1984, 49 FR 22434, effective Aug. 23, 1984, 49 FR 14877, effective April 15, 1985, 49 FR 46530, effective January 28, 1985, 50 FR 6, effective January 27, 1985, 50 FR 3738, effective February 27, 1985, 50 FR 5246, effective August 6, 1985, 50 FR 19003, effective July 12, 1985, 50 FR 19005, effective July 12, 1985, 50 FR 27373, July 5, 1985, 50 FR 32162, effective September 9, 1985, 50 FR 48075, November 21, 1985, 50 FR 50282, effective February 10, 1986, 51 FR 1769, effective January 15, 1986, 51 FR 21731, effective July 16, 1986, 51 FR 29456, effective September 17, 1986, 51 FR 30052, effective September 22, 1986, 51 FR 32301, effective October 14, 1986, 51 FR 35630, effective November 6, 1986, 51 FR 37902, effective November 26, 1986, 51 FR 45602, effective June 19, 1987, except for Section 318.305(h)(3) which is effective December 21, 1987, and Section 318.310 which is effective December 19, 1988, 52 FR 12517, April 17, 1987, 52 FR 12883, effective June 8, 1987, 52 FR 19302, effective June 22, 1987, 52 FR 30336, effective September 14, 1987, 52 FR 43316, effective November 12, 1987, 53 FR 7403, effective April 8, 1988, 53 FR 49844, December 12, 1988, 53 FR 49848, effective

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January 11, 1989; 54 FR 43041, effective January 18, 1990; 55 FR 7294, effective August 28, 1990; 55 FR 34678, effective September 24, 1990, as amended by 55 FR 49991, December 4, 1990).

- b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, a federal inspection legend, or is exempt from inspection as stated in Section 125.110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.200 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected by the inspector and passed. Wild game carcasses shall comply with Section 5(B)(6) of the Act. The official establishment shall maintain an inventory of non-meat items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.

- c) Reinspections of meat and/or meat products within the official establishment shall be performed through the use of a random digit table.
- d) Docks and receiving rooms for meat and/or meat products or other articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector if the location of such docks or receiving rooms will not permit such product or article to pass through rooms containing inspected and passed products.
- e) The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth in the "Meat and Poultry Inspection Manual" as adopted in Section 125.20.

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- f) Casings or weasand shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(i) for passage of such articles.

- g) The Department does not approve new substances to be used on meat or in meat products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial flavorings may be used if they do not adulterate the meat and/or meat product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.

- h) References to exemptions from slaughter and custom slaughter shall mean those exemptions set forth in Section 125.110.

- i) Reference to 9 CFR 327 are not applicable to the Department in its enforcement of the rules of this Part. References to the federal Poultry Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to mean in accordance with The Meat and Poultry Inspection Act and the rules of this Part.

- j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.

- k) Disinfectants shall be those as set forth in Section 125.180.

- l) Adequate vacuum shall be determined through the use of vacuum gauges.

- m) Canned products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

- n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 318.309.

- o) The standards and procedures for determining when ingredients of finished products are in compliance with this

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Section shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.280 Meat Definitions and Standards of Identity or Composition

The Department incorporates by reference 9 CFR 319 (1990 1984, 49 FR 14879 and 14880, effective April 15, 1985, 49 FR 46530, effective January 28, 1985, 50 FR 3738, effective February 27, 1985, 50 FR 9788, effective April 15, 1985, 51 FR 32057, effective October 9, 1986, 53 FR 5150, effective March 23, 1988, 53 FR 8425, effective April 14, 1988, 54 FR 40631, effective October 3, 1989 and adopted by the Department on October 11, 1989; 55 FR 34678, effective September 24, 1990). Methods for the destruction of live trichinae in pork shall be as set forth in Section 125.270 (specifically the incorporated language of 9 CFR 318.10(c)).

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.290 Transportation

a) The Department incorporates by reference 9 CFR 325.1(a) through 325.1(b)(1), 325.1(c) through 325.2, 325.5 through 325.8(b), 325.10, 325.13, 325.14 through 325.19 (1990 1984).

b) Transportation of products which have become adulterated or misbranded from an official establishment shall be in sealed containers or sealed trucks.

c) Proprietary substances shall be those as stated in the "List of Proprietary and Nonfood Compounds" as adopted by the Department in Section 125.20.

d) Specimens of product for laboratory examination, research or for other nonhuman food purposes (e.g., educational training) shall be in compliance with Section 125.230.

e) References in the incorporated language to 9 CFR 312, 320 and 314 shall be interpreted to mean in accordance with Sections 125.90, 125.100 and 125.230 respectively.

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(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.300 Special Services Relating to Meat and Other Products

a) The Department incorporates by reference 9 CFR 350.1 through 350.3(a), 350.3(c), 350.5 through 350.7(a) and 350.7(d) (1990 1989).

b) The charges for special services shall be paid by check, draft or money order payable to the Illinois Department of Agriculture upon furnishing to the person who requested the service a statement as to the amount due. The fee for rendering these services shall be at the rate of \$15 per hour, except for services rendered on a holiday which shall be \$30. The person who requested the special service shall also be billed for travel expenses incurred by the inspector in accordance with Travel Regulations (80 Ill. Adm. Code 2800).

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.305 Exotic Animal Inspection

a) With regard to the inspection and processing of exotic animals, the Department incorporates by reference 9 CFR 352.1, 352.3, 352.11, 352.12, 352.13, 352.14, 352.15, 352.16, and 352.17 (1990 1989).

b) The Department incorporates by reference 9 CFR 352.7 (1990 1989), except that the description of the official inspection legend and brand shall be as described in Section 125.90.

c) References in the incorporated language to 9 CFR 304, 317, 309, 310, 311, 314, 318, 320, and 325 shall be interpreted as references to the provisions in Sections 125.30, 125.250, 125.190, 125.200, 125.210, 125.230, 125.270, 125.100 and 125.290 respectively.

d) References in the incorporated language to 9 CFR 313 shall be interpreted as references to Section 125.220.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

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SUBPART C: POULTRY INSPECTION

Section 125.310 Application of Inspection

The Department incorporates by reference 9 CFR 381.3(c) through (e) and 381.7 (1990 1984; 52 FR 48084; effective December 18, 1987), unless such products are exempted from inspection in accordance with Section 5 of the Act. All rabbits that are evidenced in an official establishment shall be inspected for condition and wholesomeness and no dressed rabbits or uninspected products of rabbits shall be brought into an official establishment, unless they are exempt from inspection in accordance with Section 5 of the Act.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.320 Facilities for Inspection

a) The Department incorporates by reference 9 CFR 381.36 (1990 1984; 50 FR 37508; effective October 16, 1985; 52 FR 39207; effective December 21, 1987).

b) The inspector's office shall be approved if it is in compliance with the requirements for an inspector's office as set forth in the "Sanitation Handbook for Meat and Poultry Inspection" as adopted in Section 125.20 and the provisions of this Section. The office will be considered as being in a convenient location if it is on the premises of the official establishment or located in a building adjacent to the official establishment. Small plants (as identified in 9 CFR 381.36) which do slaughtering shall furnish an inspector's office either at the establishment or in a building adjacent to the official establishment.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.330 Sanitation

a) The Department incorporates by reference 9 CFR 381.45 through 381.53(a)(1), 381.53(c) through 381.59, and 381.61 (1990 1984; 51 FR 45602; effective June 19, 1987).

b) The Department shall approve the construction of an establishment or the remodeling of an establishment if

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such establishment or the remodeling is in compliance with "U.S. Inspected Meat and Poultry Packing Plants, A Guide to Construction and Layout" as adopted by the Department in Section 125.20 and the provisions of this Section.

c) The Department will permit for use in any official establishment equipment or utensils that are on the "List of Accepted Meat and Poultry Equipment" as adopted by the Department in Section 125.20.

d) When determining if sanitation requirements are being or can be met, the Department shall consider the facilities, equipment and the operations of the establishment as being sanitary if they are in compliance with the "Sanitation Handbook For Meat and Poultry Inspection" and the sanitation requirements and operating procedures as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20 and the provisions of this Section.

e) An analysis of the water potability at an official establishment shall be furnished to the inspector annually by the licensee if the water supply comes from a municipal water source or semi-annually if the water supply comes from a well or cistern. Additional water potability reports shall be required to be furnished whenever the inspector has reason to believe the water is not potable (e.g., water main break or results from laboratory tests indicate that water could be the cause of the product being adulterated).

f) The Department does not have any approved methods for reclaiming wax and will accept any method which does not cause adulteration of the poultry or poultry products.

g) Any receptacle used for holding condemned carcasses shall be equipped for locking and sealing.

h) It is the Department's policy that equipment and utensils used in an official establishment shall not be used outside the official establishment.

i) Any of the control procedures for excluding flies or vermin as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20 shall be approved for use in an official establishment.

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- j) Germicides, insecticides, rodenticides, detergents, wetting agents and other compounds which are used in an official establishment shall be approved for use if they are on the "List of Proprietary Substances and Nonfood Compounds" as adopted by the Department in Section 125.20. The manner in which such compounds are used shall be in accordance with the manufacturer's label.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.340 Operating Procedures

- a) The Department incorporates by reference 9 CFR 381.65 through 381.66 (1990 1984; 49 FR 3643, effective Feb. 29, 1984; 49 FR 9411, effective April 12, 1984).

- b) The bar-cut method of evisceration shall not be used.

- c) Cut-up poultry may be processed from unchilled eviscerated poultry only in air conditioned rooms (50 degrees F. or less).

- d) The meltage of ice in the chilling system shall be counted toward the minimum fresh water intake requirements provided an accurate measurement of the amount of melted ice can be obtained.

- e) Reference to the Poultry Inspector's Handbook shall mean the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

- f) The Department shall approve the shipment of poultry in operational type containers, such as chill tanks or lugs, from one official establishment to another official establishment for further processing provided the means of conveyance is sealed and the poultry can reach its destination in accordance with the general chilling requirements as stated in this Section (see 9 CFR 381.66(b)).

- g) Ready-to-cook poultry shall be permitted to be moved from an official establishment prior to freezing in accordance with the specific requirements as stated in 9 CFR 381.66(f)(3).

- h) Compounds used in immersion or spray freezing procedures shall be those that are listed in the "List of Proprie-

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tary Substances or Nonfood Compounds" as adopted by the Department in Section 125.20.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.350 Ante-Mortem Inspection

- a) The Department incorporates by reference 9 CFR 381: Subpart J (1990 1984).

- b) Procedures for ante-mortem and post-mortem inspections and any correlation between the two inspections shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

- c) Incineration of poultry suspected of having been treated with or exposed to any substance which imported a biological residue shall be in accordance with Section 125.370. The Department shall permit the slaughter of such poultry for the purpose of collecting tissues for analysis of the residue upon the request of the owner of the poultry or at the request of the official establishment.

- d) The Director shall approve the slaughter of poultry which was used in research in accordance with the specific provisions as stated in 9 CFR 381.75, except for rabbits as stated in Section 125.360.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts

- a) The Department incorporates by reference 9 CFR 381: Subpart K (1990 1984; 50 FR 37508, effective October 16, 1985; 50 FR 38097 1985; 51 FR 2569, effective January 29, 1986; 53 FR 46855, effective December 21, 1988).

- b) Carcasses of rabbits affected with or showing lesions of any of the following named diseases or conditions shall be condemned: Tularemia, anthrax, hemorrhagic septicemia, pyemia, septicemia, leukemia, acute enteritis, peritonitis, sarcomatosis, metritis, necrobacillosis (Smorl's Disease), tuberculosis, emaciation, streptococillary pseudotuberculosis, and advanced stages of snuf-

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flies. Rabbits from pathological laboratories shall be condemned.

c) Carcasses of rabbits showing any disease, such as generalized melanosis and pseudoleukemia which systemically affect the rabbit, shall be condemned.

d) Any organ or part of a rabbit carcass which is badly bruised or which is affected by an abscess or a suppurating sore, shall be condemned. Parts or carcasses of rabbits which are contaminated by pus shall be condemned.

e) Carcasses of rabbits contaminated by volatile oils, paints, poisons, gases or other substances which affect the wholesomeness of the carcass shall be condemned.

f) All carcasses of rabbits so infected that consumption of the meat or meat food products thereof may give rise to meat poisoning shall be condemned. This includes all carcasses showing signs of any of the following diseases: Acute inflammation of the lungs, pleura, pericardium, peritoneum or meninges, septicemia or pyemia (whether traumatic, or without evident cause), gangrenous or severe hemorrhagic enteritis or gastritis, polyarthritis and acute nephritis. Immediately after the slaughter of any rabbit so infected, the infected premises and implements used shall be sanitized. The part or parts of any carcass coming into contact with the carcass or any part of the carcass of any rabbit listed in this paragraph other than those affected with acute inflammation of the lungs, pleura, pericardium, peritoneum or meninges, shall be condemned.

g) Carcasses of rabbits showing any degree of icterus with a parenchymatous degeneration of organs, the result of infection or intoxication, and those which, as a result of a pathological condition show an intense yellow or greenish-yellow discoloration without evidence of infection or intoxication shall be condemned.

h) Carcasses of rabbits affected with mange or scab in advanced stages or showing emaciation or extension of the inflammation to the flesh shall be condemned. When the diseased condition is localized, the carcass shall be passed for food purposes after removal and condemnation of the affected parts.

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i) In the disposal of carcasses and parts of carcasses of rabbits showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern: If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them may be radically removed, the non-affected portion of the carcass, or part of the carcass, shall be certified for food purposes after the removal and condemnation of the affected portions. Where a part of a carcass shows numerous lesions caused by parasites, or the character of the infestation is such that complete extirpation of the parasites and lesions is difficult and uncertainly accomplished, or if the parasitic infestation or invasion renders the organ or part in any way unfit for food, the affected organ or part shall be condemned. Where parasites are found to be distributed in a carcass in such a manner or to be of such a character that their removal and the removal of the lesions caused by them are impracticable, no part of the carcass shall be certified as capable for use as human food and the entire carcass shall be condemned. Carcasses of rabbits infested with a hydatid cyst or cysts (Echinococcus granulosus), transmissible to dogs and from dogs to man, shall in all cases be condemned regardless of the degree of infestation.

j) Carcasses of rabbits showing such degree of emaciation or anemic condition as would render the meat unwholesome, and carcasses which show a slimy degeneration of the fat or a serious infiltration of the muscles shall be condemned.

k) Carcasses of poultry, the viscera and any part removed from the carcass shall be kept together and identified by a lot number until the inspector performs a post-mortem inspection.

l) The Department's hearing rules are set forth in Section 125.60.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.370 Handling and Disposal of Condemed or Inedible Products at Official Establishments

Condemed and inedible poultry and/or poultry products shall be disposed of by persons licensed in accordance with the Illinois

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Dead Animal Disposal Act (see Section 125.120). If the official establishment has no facilities for tanking the condemned carcasses or poultry products or if the inspector cannot leave the slaughter area, the condemned poultry or poultry products shall be denatured as set forth in 9 CFR 381.95(c) (1990 ~~1984~~).

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.380 Labeling and Containers

a) The Department incorporates by reference 381.115 through 381.127, and 381.129 through 381.132(b)(1), 381.133 through 381.144(d) (1990 ~~1984~~; 49 FR 4715, effective Feb. 8, 1984; 49 FR 18999, effective July 3, 1984; 49 FR 22367, effective July 17, 1984; 50 FR 21420, effective June 24, 1985; 53 FR 28634, effective August 29, 1988; 55 FR 5976, effective March 23, 1990; 55 FR 7289, effective August 28, 1990; 55 FR 49826 and 50081, effective May 29, 1991).

b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.

c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.

d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.

e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.

f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600.120).

g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act and Section 125.60.

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h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.

i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(b)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.

k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.

l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.

m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).

n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.

o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks

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from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.

- p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

- q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.

- r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements

- a) The Department incorporates by reference 9 CFR 381.145(b) through 381.148, 381.150 through 381.151, 381.300 through 381.311 (1990 1984; 49 FR 19623, effective June 8, 1984; 49 FR 19900, effective July 3, 1984; 49 FR 32055, effective Aug. 10, 1984; 50 FR 6, effective January 2, 1985; 50 FR 50282, effective February 10, 1986; 51 FR 32301, effective October 14, 1986; 51 FR 45602, effective June 19, 1987, except for Section 381.305(h)(3) which is effective December 21, 1987 and Section 381.310 which is effective December 19, 1988; 53 FR 7493, effective April 8, 1988; 55 FR 5976, effective March 23, 1990; 55 FR 23070, effective July 6, 1990).

- b) No poultry or poultry product shall be brought into an official establishment unless it is inspected or has

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been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, the federal inspection legend, or is exempt from inspection as stated in Section 125.110.

- c) Poultry and poultry products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.360 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any poultry and/or poultry product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected and passed by the inspector.

- d) The official establishment shall maintain an inventory of non-poultry items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.

- e) Reinspections of poultry and/or poultry products within the official establishment shall be performed through the use of a random digit table.

- f) Poultry feet shall be approved for processing for human food in accordance with the procedures set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

- g) The Department does not approve new substances to be used on poultry or in poultry products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used if they will not adulterate the poultry and/or poultry product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.

- h) Ready-to-heat-and-eat poultry or stuffed ready-to-roast poultry may be moved from an official establishment prior to freezing in accordance with the provisions of Section 125.330 (specifically the incorporated language in 9 CFR 381.66(f)(3)).

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- i) Any method of cleaning immediate containers used for the holding of poultry and poultry products shall be approved if such method is in compliance with the sanitation requirements (see Section 125.330).
- j) Canned poultry products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- k) The inspector shall permit lots of canned poultry products to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 381.309.
- l) Disinfectants which may be used in an official establishment shall be those products on the "List of Proprietary Substances and Nonfood Compounds" as adopted by the Department in Section 125.20.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.400 Definitions and Standards of Identity or Composition

- a) The Department incorporates by reference 9 CFR 381: Subpart P (1990 +984; 55 FR 34678, effective September 24, 1990).
- b) Cooling of poultry shall be in accordance with the provisions set forth in Section 125.330.
- c) Definitions and standards of identity or composition for poultry products shall be as set forth in this Section and in Section 13(d) of the Act.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

Section 125.410 Transportation; Sale of Poultry or Poultry Products

- a) The Department incorporates by reference 9 CFR 381.189 through 381.193 (1990 +984).

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NOTICE OF PEREMPTORY AMENDMENTS

- b) Transportation of dead, dying, disabled or diseased poultry and parts of carcasses or poultry that has died otherwise than by slaughter at an official establishment, unless exempt from inspection and transportation requirements as set forth in Section 125.110, shall be in accordance with Section 125.120.
- c) The manner for handling heads and feet of poultry shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- d) References in the incorporated language to USDA and PPIA shall mean the Illinois Department of Agriculture and The Meat and Poultry Inspection Act respectively. References to "penalties in Section 11 of the Act" shall mean as set forth in Section 19 of The Meat and Poultry Inspection Act.

(Source: Peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 1) The Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: Peremptory Action:
310. Appendix A, Table P Amended
- 4) Reference to the specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking:
Section 2 of the Illinois Administration Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1002)

5) Statutory Authority: Ill. Rev. Stat. 1989, ch. 127, par. 1607

6) Effective Date: January 7, 1991

7) A Complete Description of the Subjects and Issues Involved:

In Section 310. Table P, RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISPA), the title of Explosives Inspector is being abolished and replaced by the Explosives Inspector I and II with the monthly salary of \$1,878 - 2,433 and \$2,162 - 2,834, respectively. These revisions are effective December 16, 1990.

8) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
If "yes", please specify date:

9) Date Filed in Agency's Principle Office: January 7, 1991

10) Is this Rule in compliance with Section 5.03 of the Illinois Administrative Procedures Act? Yes

11) Are there any proposed amendments pending to this part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.230	Amended	14 Ill. Reg. 14657 (September 14, 1990)
310. App. A, Table D	Amended	14 Ill. Reg. 14657 (September 14, 1990)
310. App. A, Table E	Amended	14 Ill. Reg. 14657 (September 14, 1990)
310. App. A, Table F	Amended	14 Ill. Reg. 14657 (September 14, 1990)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

310. Appendix C Amended 14 Ill. Reg. 15570 (September 21, 1990)

12) Statement of Statewide Objectives:

These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

- 13) The name, address and telephone number of the person to whom information and questions concerning this peremptory rule shall be directed to:

Within 45 days, comments should be written and addressed to:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706

Telephone: (217) 782-5601

The full text of the Adopted Amendment is as follows:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
 POSITION CLASSIFICATIONS
 CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
 PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes, Effective July 1, 1990
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1991
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay

TABLE A	
HR-190	(Department of Central Management Services - State of Illinois Building - SEIU)
HR-200	(Department of Labor - Chicago, Illinois - SEIU)
RC-069	(Firefighters, AFSCME)
HR-001	(Teamsters Local #726)
RC-020	(Teamsters Local #330)
RC-019	(Teamsters Local #25)
RC-045	(Automotive Mechanics, ISEA)
RC-006	(Corrections Employees, AFSCME)
RC-009	(Institutional Employees, AFSCME)
RC-014	(Clerical Employees, AFSCME)
RC-023	(Registered Nurses, INA)
VR-004	(Illinois State Treasurer's Office Employees, Teamsters and IFT)
RC-027	(Educators, AFSCME) (Repealed)
RC-027	(Physician Rates, AFSCME) (Repealed)
RC-028	(Paraprofessional Human Services Employees, AFSCME)
RC-029	(Paraprofessional Investigatory and Law Enforcement Employees, ISEA)
RC-033	(Meat Inspectors, ISEA)
RC-042	(Residual Maintenance Workers, AFSCME)
HR-012	(Fair Employment Practices Employees, SEIU)
HR-010	(Teachers of Deaf, IFT)

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- TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
 TABLE V CU-500 (Corrections, Meet and Confer Employees)
 TABLE W RC-062 (Technical Employees, AFSOME)
 TABLE X RC-063 (Professional Employees, AFSOME)
 TABLE Y RC-063 (Educators, AFSOME)
 TABLE Z RC-063 (Physicians, AFSOME)
 APPENDIX B Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1991
 APPENDIX C Physician Administrator Rates and Medical Facilities (EMERGENCY) Administrator Rates for Fiscal Year 1991
 APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 1991
 APPENDIX E Teaching Salary Schedule (Repealed)
 APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1989, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of

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150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13

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NOTICE OF PEREMPTORY AMENDMENT

Ill. Reg. 19921, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991.

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NOTICE OF PEREMPTORY AMENDMENT

Section 310. TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)

Effective:--July-1,--1989

	1	2	3	4	5	6	7
AGRICULTURAL-PRODUCTS-PROGRAMMER	1637--1707	1773--1845	1917--1986	2097			
ANTHROPAL-6-ANTHROPAL-PRODUCTS INVESTIGATOR	1794--1870	1952--2037	2113--2196	2325			
ANTHROPAL-HEALTH-INSPECTOR	1637--1707	1773--1845	1917--1986	2097			
ANTHROPAL-WELFARE-INSPECTOR	1637--1707	1773--1845	1917--1986	2097			
APIARY-INSPECTOR	1217--1257	1294--1335	1376--1417	1487			
ARGON-INSPECTOR-I	1967--2059	2153--2243	2336--2432	2575			
ARGON-INSPECTOR-II	2174--2282	2386--2494	2598--2702	2863			
BREATH-ALCOHOL-ANALYSIS TECHNICIAN	1872--1958	2045--2130	2218--2300	2432			
COMMERCE-COMM.-POLICE-OFFICER-I	1880--1968	2052--2136	2224--2307	2444			
COMMERCE-COMM.-POLICE-OFFICER-II	2072--2170	2271--2366	2462--2562	2715			
COMMODITIES-INSPECTOR	1498--1562	1620--1684	1743--1805	1901			
CONSERVATION-POLICE-OFFICER-I*	2066--2164	2263--2357	2456--2554	2706			
CONSERVATION-POLICE-OFFICER-II*	2183--2289	2395--2503	2607--2710	2871			
DANGEROUS-DRUGS-COMPLIANCE OFFICER-I	1710--1781	1860--1931	2008--2082	2204			
DANGEROUS-DRUGS-COMPLIANCE OFFICER-II	1872--1958	2045--2130	2218--2300	2432			
DANGEROUS-DRUGS-COMPLIANCE OFFICER-III	1967--2059	2153--2243	2336--2432	2575			
DRUG-COMPLIANCE-INVESTIGATOR	2183--2289	2395--2503	2607--2710	2871			
ENVIRONMENTAL-PROTECTION-LEGAL INVESTIGATOR-I	1498--1562	1620--1684	1743--1805	1901			
ENVIRONMENTAL-PROTECTION-LEGAL INVESTIGATOR-II	1637--1707	1773--1845	1917--1986	2097			
EXPLOSIVES-INSPECTOR	1637--1707	1773--1845	1917--1986	2097			
FINGERPRINT-TECHNICIAN-I	1392--1441	1493--1547	1601--1655	1744			
FINGERPRINT-TECHNICIAN-II	1498--1562	1620--1684	1743--1805	1901			
FINGERPRINT-TECHNICIAN-III	1637--1707	1773--1845	1917--1986	2097			
FIRE-INVESTIGATOR-I	1710--1781	1860--1931	2008--2082	2204			
FIRE-INVESTIGATOR-II	1872--1958	2045--2130	2218--2300	2432			
FIRE-PREVENTION-EDUCATION OFFICER-I	1710--1781	1860--1931	2008--2082	2204			
FIRE-PREVENTION-EDUCATION OFFICER-II	1872--1958	2045--2130	2218--2300	2432			
FIRE-PREVENTION-INSPECTOR-I	1710--1781	1860--1931	2008--2082	2204			
FIRE-PREVENTION-INSPECTOR-II	1872--1958	2045--2130	2218--2300	2432			
GRAIN-INSPECTOR	1498--1562	1620--1684	1743--1805	1901			
GRAIN-SAMPLER	1392--1441	1493--1547	1601--1655	1744			

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GUARD-I 1257--1297--1341--1384--1427--1471--1542
 GUARD-II 1392--1441--1493--1547--1601--1655--1744
 GUARD-III 1563--1629--1690--1759--1824--1889--1993
 LICENSING-ASSISTANT 1342--1392--1438--1488--1537--1589--1675
 LICENSING-INSPECTOR 1563--1629--1690--1759--1824--1889--1993
 LICENSING-INVESTIGATOR-I 1563--1629--1690--1759--1824--1889--1993
 LICENSING-INVESTIGATOR-II 1800--1879--1957--2044--2123--2204--2331
 LICENSING-INVESTIGATOR-III 1872--1958--2045--2130--2218--2300--2432
 LICENSING-INVESTIGATOR-IV 2066--2164--2263--2357--2456--2554--2706
 LIQUOR-CONTROL-SPECIAL-AGENT-I 1749--1781--1860--1931--2008--2082--2204
 MOTOR-CARRIER-EMPLOYMENT OFFICER-I 1749--1781--1860--1931--2008--2082--2204
 MOTOR-CARRIER-EMPLOYMENT OFFICER-II 1967--2059--2153--2243--2336--2432--2575
 MOTORIST-ASSISTANCE-SPECIALIST 1350--1397--1445--1495--1544--1594--1680
 PERSONAL-PROPERTY-WAREHOUSE EXAMINER 1563--1629--1690--1759--1824--1889--1993
 PLANT-&-PESTICIDE-SPECIALIST-I 1872--1958--2045--2130--2218--2300--2432
 PLANT-&-PESTICIDE-SPECIALIST-II 2066--2164--2263--2357--2456--2554--2706
 PLUMBING-INSPECTOR 2183--2289--2395--2503--2607--2710--2871
 POLICE-OFFICER-I 1872--1958--2045--2130--2218--2300--2432
 POLICE-OFFICER-II 2066--2164--2263--2357--2456--2554--2706
 POLYGRAPH-EXAMINER-I 2066--2164--2263--2357--2456--2554--2706
 POLYGRAPH-EXAMINER-II 2293--2410--2524--2637--2753--2869--3042
 POLYGRAPH-EXAMINER-III 2560--2690--2824--2956--3085--3217--3416
 PRODUCTS-&-STANDARDS-INSPECTOR 1837--1707--1773--1845--1917--1986--2097
 SECURITY-OFFICER 1563--1629--1690--1759--1824--1889--1993
 SECURITY-OFFICER-SERGEANT 1637--1707--1773--1845--1917--1986--2097
 SEED-ANALYST-I 1563--1629--1690--1759--1824--1889--1993
 SEED-ANALYST-II 1637--1707--1773--1845--1917--1986--2097
 SITE-SECURITY-OFFICER 1392--1441--1493--1547--1601--1655--1744
 TRUCK-WEIGHING-INSPECTOR 1421--1471--1522--1576--1630--1685--1773
 VEHICLE-EMISSIONS-COMPLIANCE OFFICER 1646--1715--1781--1854--1922--1993--2105
 VEHICLE-TESTING-COMPLIANCE OFFICER 1872--1958--2045--2130--2218--2300--2432
 VEHICLE-TESTING-STATION INSPECTOR 1637--1707--1773--1845--1917--1986--2097
 VITAL-RECORDS-QUALITY-CONTROL INSPECTOR 1637--1707--1773--1845--1917--1986--2097
 WAREHOUSE-CLAIMS-SPECIALIST 2293--2410--2524--2637--2753--2869--3042
 WAREHOUSE-EXAMINER-I 1637--1707--1773--1845--1917--1986--2097
 WAREHOUSE-EXAMINER-II 1872--1958--2045--2130--2218--2300--2432
 WAREHOUSE-EXAMINER-III 2066--2164--2263--2357--2456--2554--2706
 WELL-INSPECTOR-I 1800--1879--1957--2044--2123--2204--2331
 WELL-INSPECTOR-II 2072--2170--2271--2366--2462--2562--2715

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*CONSERVATION-POLICE-OFFICER-I
 LONGEVITY-BONUS-RATES
 10-YRS--15-YRS--17-5-YRS--20-YRS--25-YRS
 2,929---3,075---3,228---3,391---3,559
 *CONSERVATION-POLICE-OFFICER-II
 LONGEVITY-BONUS-RATES
 10-YRS--15-YRS--17-5-YRS--20-YRS--25-YRS
 3,017---3,163---3,316---3,480---3,647

Effective--September-1,-1989

S-T-E-P-S

CONSERGE-COMMISSION-POLICE OFFICER-II
 1-----2-----3-----4-----5-----6-----7
 2069--2167--2268--2363--2459--2559--2712
 CONSERVATION-POLICE-OFFICER-II
 2180--2286--2392--2500--2604--2707--2868
 DRUG-COMPLIANCE-INVESTIGATOR
 2180--2286--2392--2500--2604--2707--2868
 LICENSING-INVESTIGATOR-II
 1797--1876--1954--2041--2120--2201--2328
 MOTORIST-ASSISTANCE-SPECIALIST
 1347--1394--1442--1492--1541--1591--1677
 PLUMBING-INSPECTOR
 2180--2286--2392--2500--2604--2707--2868
 WELL-INSPECTOR-I
 1797--1876--1954--2041--2120--2201--2328
 WELL-INSPECTOR-II
 2069--2167--2268--2363--2459--2559--2712

Effective: July 1, 1990

1 2 3 4 5 6 7
 S T E P S
 1717 1789 1858 1934 2005 2080 2197
 1878 1960 2042 2133 2215 2300 2433
 AGRICULTURAL PRODUCTS PROMOTER
 ANIMAL & ANIMAL PRODUCTS INVESTIGATOR
 1717 1789 1858 1934 2005 2080 2197
 ANIMAL HEALTH INSPECTOR
 ANIMAL WELFARE INSPECTOR
 APPLARY INSPECTOR
 1274 1318 1360 1399 1445 1486 1562
 ARSON INVESTIGATOR I
 2060 2156 2255 2348 2446 2544 2695
 ARSON INVESTIGATOR II
 2278 2389 2500 2613 2721 2829 2997
 BREATH ALCOHOL ANALYSIS
 1961 2053 2141 2229 2321 2408 2551
 TECHNICIAN
 COMMERCE COMM. POLICE OFFICER I
 2060 2156 2255 2348 2446 2544 2695
 COMMERCE COMM. POLICE OFFICER II
 2278 2389 2500 2613 2721 2829 2997
 COMMODITIES INSPECTOR
 1571 1638 1698 1763 1825 1891 1995
 CONSERVATION POLICE OFFICER I*
 2162 2265 2370 2469 2570 2674 2834
 CONSERVATION POLICE OFFICER II*
 2278 2389 2500 2613 2721 2829 2997
 DANGEROUS DRUGS COMPLIANCE OFFICER I
 1791 1867 1947 2025 2103 2183 2307

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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DANGEROUS DRUGS COMPLIANCE OFFICER II	1961	2053	2141	2229	2321	2408	2551
DANGEROUS DRUGS COMPLIANCE OFFICER III	2060	2156	2255	2348	2446	2544	2695
DRUG COMPLIANCE INVESTIGATOR	2278	2389	2500	2613	2721	2829	2997
ENVIRONMENTAL PROTECTION LEGAL INVESTIGATOR I	1571	1638	1698	1763	1825	1891	1995
ENVIRONMENTAL PROTECTION LEGAL INVESTIGATOR II	1717	1789	1858	1934	2005	2080	2197
EXPLOSIVES INSPECTOR	1717	1789	1858	1934	2005	2080	2197
FINGERPRINT TECHNICIAN I	1457	1512	1566	1625	1678	1735	1827
FINGERPRINT TECHNICIAN II	1571	1638	1698	1763	1825	1891	1995
FINGERPRINT TECHNICIAN III	1717	1789	1858	1934	2005	2080	2197
FIRE INVESTIGATOR I	1791	1867	1947	2025	2103	2183	2307
FIRE INVESTIGATOR II	1961	2053	2141	2229	2321	2408	2551
FIRE PREVENTION EDUCATION OFFICER I	1791	1867	1947	2025	2103	2183	2307
FIRE PREVENTION EDUCATION OFFICER II	1961	2053	2141	2229	2321	2408	2551
FIRE PREVENTION INSPECTOR I	1791	1867	1947	2025	2103	2183	2307
FIRE PREVENTION INSPECTOR II	1961	2053	2141	2229	2321	2408	2551
GRAIN INSPECTOR	1571	1638	1698	1763	1825	1891	1995
GRAIN SAMPLER	1457	1512	1566	1625	1678	1735	1827
GUARD I	1318	1362	1407	1452	1495	1539	1616
GUARD II	1457	1512	1566	1625	1678	1735	1827
GUARD III	1639	1708	1771	1843	1911	1977	2087
LICENSING ASSISTANT	1408	1457	1507	1559	1610	1663	1752
LICENSING INSPECTOR	1639	1708	1771	1843	1911	1977	2087
LICENSING INVESTIGATOR I	1639	1708	1771	1843	1911	1977	2087
LICENSING INVESTIGATOR II	1878	1960	2042	2133	2215	2300	2433
LICENSING INVESTIGATOR III	1961	2053	2141	2229	2321	2408	2551
LICENSING INVESTIGATOR IV	2162	2265	2370	2469	2570	2674	2834
LIQUOR CONTROL SPECIAL AGENT I	1791	1867	1947	2025	2103	2183	2307
MOTOR CARRIER ENFORCEMENT OFFICER I	1791	1867	1947	2025	2103	2183	2307
MOTOR CARRIER ENFORCEMENT OFFICER II	2060	2156	2255	2348	2446	2544	2695
MOTORIST ASSISTANCE SPECIALIST	1408	1457	1507	1559	1610	1663	1752
PERSONAL PROPERTY WAREHOUSE EXAMINER	1639	1708	1771	1843	1911	1977	2087
PLANT & PESTICIDE SPECIALIST I	1639	1708	1771	1843	1911	1977	2087
PLANT & PESTICIDE SPECIALIST II	1961	2053	2141	2229	2321	2408	2551
PLUMBING INSPECTOR	2162	2265	2370	2469	2570	2674	2834
POLICE OFFICER I	2278	2389	2500	2613	2721	2829	2997
POLICE OFFICER II	2060	2156	2255	2348	2446	2544	2695
POLYGRAPH EXAMINER I	2278	2389	2500	2613	2721	2829	2997
POLYGRAPH EXAMINER II	2538	2665	2790	2923	3049	3174	3369

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

POLYGRAPH EXAMINER III	2833	2980	3127	3273	3424	3568	3789
PRODUCTS & STANDARDS INSPECTOR	1717	1789	1858	1934	2005	2080	2197
SECURITY OFFICER	1717	1789	1858	1934	2005	2080	2197
SECURITY OFFICER SERGEANT	1791	1867	1947	2025	2103	2183	2307
SEED ANALYST I	1639	1708	1771	1843	1911	1977	2087
SEED ANALYST II	1717	1789	1858	1934	2005	2080	2197
SITE SECURITY OFFICER	1457	1512	1566	1625	1678	1735	1827
TRUCK WEIGHING INSPECTOR	1512	1569	1630	1688	1751	1812	1905
VEHICLE EMISSIONS COMPLIANCE OFFICER	1717	1789	1858	1934	2005	2080	2197
VEHICLE TESTING COMPLIANCE OFFICER	1961	2053	2141	2229	2321	2408	2551
VEHICLE TESTING STATION INSPECTOR	1717	1789	1858	1934	2005	2080	2197
VITAL RECORDS QUALITY CONTROL INSPECTOR	1717	1789	1858	1934	2005	2080	2197
WAREHOUSE CLAIMS SPECIALIST	2402	2524	2643	2764	2881	3002	3184
WAREHOUSE EXAMINER I	1717	1789	1858	1934	2005	2080	2197
WAREHOUSE EXAMINER II	1961	2053	2141	2229	2321	2408	2551
WAREHOUSE EXAMINER III	2162	2265	2370	2469	2570	2674	2834
WELL INSPECTOR I	1878	1960	2042	2133	2215	2300	2433
WELL INSPECTOR II	2162	2265	2370	2469	2570	2674	2834

*CONSERVATION POLICE OFFICER I

LONGEVITY BONUS RATES				
10 YRS	15 YRS	17.5 YRS	20 YRS	25 YRS
3,064	3,216	3,376	3,547	3,722

*CONSERVATION POLICE OFFICER II

LONGEVITY BONUS RATES				
10 YRS	15 YRS	17.5 YRS	20 YRS	25 YRS
3,150	3,302	3,462	3,633	3,811

(Source: Peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF WITHDRAWAL OF PROPOSED RULES

- 1) The Heading of the Part: Illinois Alzheimer's Disease and Related Disorders Assistance Code
- 2) Code Citation: 77 Ill. Adm. Code 710
- 3) Section Numbers: Action
710.210 Withdrawal
- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
September 21, 1990 (14 Ill. Reg. 15246)
- 5) Reason for the withdrawal:

This proposed rulemaking specifies that the Department will consider funding a specific psychosocial research project beyond one fiscal year upon the recommendations of the Advisory Committee, contingent on continued availability of tax checkoff funds and adequate performance and progress under the grant. The Department believes that in order to fully address questions that have been raised concerning the implementation of this policy, the proposed rulemaking should be withdrawn and redrafted for proposal at a later date.

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the week of December 31, 1990 through January 4, 1991, and have been scheduled for review by the Committee at its February, 1991 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its February meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>Scheduled for Consideration by JCAR</u>
2/19/91	Illinois Commerce Commission, Reports of Accidents by Fixed Public Utilities Other Than Pipelines Transporting Liquids (G.O. 43) (83 Ill. Adm. Code 220)	9/28/90 14 Ill. Reg. 15653	February, 1991
2/19/91	Department of Public Aid, Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)	9/21/90 14 Ill. Reg. 15243	February, 1991

ILLINOIS REGISTER

1991 CUMULATIVE INDEX

JANUARY 18, 1991

VOL. 15, ISSUE #3

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received
135, 369, 676

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS
90-558 Homemakers Extension Association Week
90-559 Nurse Recruitment Day
90-560 Army ROTC Week
90-561 Critical Care Nurse Week
90-562 Free Enterprise And Marketing Week
90-563 Illinois School Psychologists Association Week
90-564 Land Surveyors' Month
90-565 Billy D. Turner Congratulated
90-566 Travel Agent Appreciation Week

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The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/89; A-724) The codes for both columns are listed below. For a complete listing of the Titles of the Illinois Administrative Code, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= recodified	F	= Failure to Remedy Objections
#	= renumbered	M	= Modification
		O	= ICAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= ICAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule

ILLINOIS REGISTER
 JANUARY 18, 1991
 SECTIONS AFFECTED INDEX

TITLE 89 (CONT'D)

140.Tb.A	r	(P-14317/90; A-298)
431.2	am	(P-4303/90; A-24)
431.3	am	(P-4303/90; A-24)
431.5	am	(P-4303/90; A-24)
562.30	am	(P-161)

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